



CITY OF CHARLESTON

Planning Commission Agenda Package

FOR THE MEETING OF :

December 20, 2017 2 George St, Charleston, SC
5:00PM - Regular Meeting

CITY OF CHARLESTON



DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY

www.charleston-sc.gov/pc

CITY OF CHARLESTON PLANNING COMMISSION

MEETING OF DECEMBER 20, 2017

A meeting of the City of Charleston Planning Commission will be held at **5:00 p.m., on Wednesday, December 20, 2017** in the Public Meeting Room, 1st Floor, 2 George St. The following applications will be considered:

REZONINGS

1. **Properties on Lee St, Cooper St & Aiken St (Peninsula) TMS# 4590504116, 192, 193, 194, 195, 197, 198, 220, & portions of 4590504208 & 209** – approx. 2.64 ac. Request rezoning from Diverse Residential (DR-2F) to Mixed-Use/Workforce Housing (MU-1/WH).
Owner/Applicant: City of Charleston
2. **194 Cannon St (Peninsula) TMS# 4601004013** – approx. 2.07 ac. Request rezoning to include property and adjacent zoned right-of-way in the Accommodations Overlay (A) classification designated as “A-7”: 175 room maximum.
Owner: TCal Charleston LLC
Applicant: City of Charleston
3. **217 Ashley Ave (Peninsula) TMS# 4601104080** – 0.33 ac. Request rezoning from Diverse Residential (DR-2F) to Limited Business (LB).
Owner: Trust of Robert J. Lowe, Jr. & Trust of Gwendolyn M. Lowe
Applicant: Robert J. Lowe, Jr. & Gwendolyn M. Lowe
4. **Bees Ferry Rd (West Ashley) TMS# 3050800058 & 060** – approx. 50.07 ac. Request rezoning from Gathering Place (GP) to General Business (GB).
Owner: Whitfield Construction Company
Applicant: Retail Planning Corporation
5. **116 Queen St (Peninsula) a portion of TMS# 4570804074** – 0.045 ac. Request rezoning to include the rear portion of the property in the School (S) Overlay Zone.
Owner: L. Sloan Wright et al.
Applicant: Charleston Day School
6. **41 Bogard St (Peninsula) TMS# 4600803144** – 0.05 ac. Request rezoning from Diverse Residential (DR-2F) to Commercial Transitional (CT).
Owner/Applicant: 9 Bogard St LLC - Ian Tomlinson
7. **18 Percy St (Peninsula) TMS# 4600801063** – 0.05 ac. Request rezoning from Diverse Residential (DR-2F) to Commercial Transitional (CT).
Owner/Applicant: 9 Bogard St LLC - Ian Tomlinson
8. **651 Meeting St (Peninsula) TMS# 4631602061** – 0.61 ac. Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-1/WH).
Owner: 651 Meeting Street Partners LLC
Applicant: Madison Capital Group LLC

SUBDIVISIONS

1. **Fairbanks Drive (Daniel Island) TMS# 2710000010 & 012** – 16.78 ac. 90 lots. Request subdivision concept plan approval. Zoned Daniel Island General Office (DI-GO).
Owner: Daniel Island Riverside Developers, LLC
Applicant: Lowcountry Land Development Consultants
2. **Woodbury Park, Phases 3A & 3B (Hollydale Court – Johns Island) TMS# 3130000023 & 048** – 43.97 ac. 34 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1).
Owner: Five Lakes, LLC
Applicant: HLA, Inc.
3. **Produce Lane (Johns Island) TMS# 3130000152, 153, 154, 157, 158** – 7.36 ac. 34 lots. Request subdivision concept plan approval. Zoned Diverse Residential (DR-2) and General Business (GB).
Owner: Reavis-Comer Development
Applicant: HLA, Inc.
4. **Bermuda Pointe (Ashley River Road – West Ashley) TMS# 3550700006 & 012** – 4.6 ac. 35 lots. Request subdivision concept plan approval. Zoned Diverse Residential (DR-12), Limited Business (LB), General Business (GB).
Owner: Parsonage-CPW, LLC
Applicant: Windmill Engineering

ZONINGS

1. **1419 Adele St (West Ashley) TMS# 3510700046** – 0.10 ac. Request zoning of Single-Family Residential (SR-2). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: John Kerr
2. **251 Louise P. Gardner St (James Island) TMS# 3430300246** – 0.49 ac. Request zoning of Single and Two-Family Residential (STR). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: Christopher DiMattia
3. **Folly Rd and Grimball Road Ext (James Island) TMS# 427-00-00-020, 039, 106, 110 & 111** – approx. 10.0 ac. Request zoning of Limited Business (LB). Zoned Folly Road Corridor Overlay District (OD-FRC) in Charleston County.
Owner: Willie B. Moultrie Trustee
4. **Bees Ferry Rd (West Ashley) a portion of TMS# 2860000040** – approx. 17.13 ac. Request zoning of Limited Business (LB). Zoned Industrial (I) in Charleston County.
Owner: Julia E. Bradham et al.

ORDINANCE AMENDMENTS

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities.**
2. Request approval to amend Ordinance No. 2017-083, establishing a Temporary Moratorium on the acceptance or processing of applications pertaining to properties on James Island located in non-residentially zoned districts that exceed 4 units or 25,000 square feet, so as to extend the expiration date of the Temporary Moratorium until December 31, 2017.

3. Request approval to amend Ordinance No. 2017-060 that established a Temporary Moratorium on the acceptance or processing of applications for new construction on properties located in the 100 year floodplain within the Church Creek Drainage Basin for an additional period of six months.
4. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to implement new regulations for Short Term Rental uses and Bed and Breakfast uses in the City of Charleston.

APPROVAL OF MINUTES

Approval of minutes from previous meetings.

REPORT OF THE TECHNICAL REVIEW COMMITTEE

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

Preliminary & Final Plats

1. **Cainhoy South, Phase 1B (Clements Ferry Road – Cainhoy) TMS# 2620000008** – 39.8 ac. 53 lots. PUD. Preliminary subdivision plat pending approval.
2. **Hatchet Bay Drive Extension (West Ashley) TMS# 3070000007** – 0.5 ac. R/W. PUD. Final subdivision plat pending approval.
3. **Stonoview, Phase 2 (River Road – Johns Island) TMS# 3150000012** – 27.2 ac. 53 lots. PUD. Final subdivision plat pending approval.
4. **Magnolia, Phase 2 (Braswell Street – Peninsula) TMS# 4640000025, 026, 029, 035, 039, 040** – 35.6 ac. R/W. PUD. Preliminary subdivision plat under review.
5. **F Street (Peninsula)** – 0.7 ac. 1 lot. Preliminary subdivision plat pending approval.
6. **River Glen (Brownswood Road – Johns Island) TMS# 3120000056, 166, 193, 194** – 31.1 ac. 70 lots. SR-2. Preliminary subdivision plat under review.
7. **CCSD West Ashley Campus (Sanders Road – West Ashley) TMS# 3060000011** – 126.2 ac. 3 lots. DR-6, SR-1, GO. Preliminary subdivision plat pending approval.
8. **Marshview Commons (McLernon Trace – West Ashley) TMS# 2850700003** – 29.0 ac. 165 lots. PUD. Final subdivision plat pending approval.
9. **Sea Aire Cluster Development (Cooper Judge Lane – James Island) TMS# 4270900069** – 5.9 ac. 24 lots. SR-1. Final subdivision plat recorded.
10. **61 Watroo Point (Daniel Island) TMS# 2711101111** – 0.6 ac. 2 lots. DI-R. Final subdivision plat recorded.
11. **The Pointe at Rhodes Crossing, Phase 2 (Sanders Road – West Ashley) TMS# 2860000444** – 41.8 ac. 76 lots. SR-6. Preliminary subdivision plat pending approval.
12. **9 F Street (Peninsula) TMS# 4631603025** – 0.5 ac. 2 lots. DR-2F. Preliminary subdivision plat under review.
13. **8 ½ State Street (Peninsula) TMS# 4580903026** – 0.4 ac. 1 lot. LB. Final subdivision plat pending approval.
14. **Essex Farms Single Family (Essex Farms drive – West Ashley) TMS# 3090000472** – 2.6 ac. 9 lots. LB. Final subdivision plat recorded.
15. **The Village at Stiles Point, Phase 2 (Harbor View Road – James Island) TMS# 4260000003** – 12.2 ac. 40 lots. SR-1. Final subdivision plat recorded.
16. **Woodbury Park, Phase 1 (Killifish Road – Johns Island) TMS# 3130000050** – 20.4 ac. 47 lots. SR-1. Final subdivision plat recorded.
17. **Parcel M, Phase 3 (Dunham Street – Daniel Island) TMS# 2750000156** – 12.0 ac. 20 lots. DI-R. Preliminary subdivision plat under review.

Road Construction Plans

- 1. Greenway Preserve (Mutual Drive – West Ashley) TMS# 3100600106** – 5.2 ac. 18 lots. SR-6. Road construction plans under review.
- 2. Magnolia, Phase 2 (Braswell Street – Peninsula) TMS# 4640000025, 026, 029, 035, 039, 040** – 35.6 ac. R/W. PUD. Road construction plans under review.
- 3. River Glen (Brownswood Road – Johns Island) TMS# 3120000056, 166, 193, 194** – 31.1 ac. 70 lots. SR-2. Road construction plans under review.
- 4. CCSD West Ashley Campus (Sanders Road – West Ashley) TMS# 3060000011** – 126.2 ac. 3 lots. DR-6, SR-1, GO. Road construction plans under review.
- 5. Riverview Estates (River Road – Johns Island) TMS# 3120000065, 066** – 24.3 ac. 48 lots. SR-1. Road construction plans under review.
- 6. Harmony (Pinehurst Avenue – West Ashley) TMS# 3060000003** – 166.4 ac. 215 lots. PUD. Road construction plans under review.
- 7. Huguenin Avenue Extension (Peninsula) TMS# 4640000003, 017** – 1.9 ac. R/W. MU-2/WH. Road construction plans pending approval.
- 8. Parkline Avenue Extension (Daniel Island) TMS# 2750000181** – 5.5 ac. R/W. DI-BP. Road construction plans pending approval.
- 9. Parcel M, Phase 3 (Dunham Street – Daniel Island) TMS# 2750000156** – 12.0 ac. 20 lots. DI-R. Road construction plans under review.

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc. In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Rezoning 1 :

Properties on Lee St, Cooper St & Aiken St (Peninsula)

BACKGROUND

The City of Charleston is requesting rezoning from Diverse Residential (DR-2F) to Mixed-Use/Workforce Housing (MU-1/WH). The properties are located on Lee Street and Cooper Street in the area of the old Cooper River Bridges. The City of Charleston currently owns the property and plans to transfer them to housing developers. Surrounding zonings include General Business (GB), Diverse Residential (DR-2, DR-2F) and Mixed-Use/Workforce Housing (MU-1/WH).

The subject properties are portions of the large area left vacant by the removal of the old Cooper River Bridges around 2005. The City intends to redevelop most of the area into housing that will knit the neighborhood back together. Mixed-uses are intended for the areas along Meeting Street and Morrison Drive. The subject properties are adjacent to parcels recently rezoned to MU-1/WH by the City. The proposed MU-1/WH will give the City and developers the flexibility it needs to develop quality affordable housing in an area that needs it. Surrounding uses vary widely as there is a blend of historic and more recent uses and buildings along with vacant lots or buildings considered candidates for redevelopment. Existing surrounding and nearby uses include single and multi-family homes, Martin Park, MLK Pool, parking lots and vacant lots. A multi-family development is underway across Meeting Street and another property was recently rezoned to MU-2/WH across Lee Street.

The Mixed Use/Workforce Housing zoning districts were created to encourage mixed use development with diverse housing options in appropriate areas of the City. The district provides incentives to encourage a mixture of uses and promotes a mixture of housing opportunities within a single project through rental and homeowner programs aimed at specific income levels. The permitted uses in MU-1/WH are the same as those allowed in Limited Business zoning, so the proposed zoning would allow fewer and less intense commercial uses on this property than is allowed now.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** encourages appropriate infill development within already urbanized areas. The Century V Plan map indicates the subject property is within an area designated as **Urban**. The Urban district is one of the densest, most mixed-use portions of the City and occurs mostly on the peninsula. The area of the peninsula surrounding the subject properties consists of a wide variety of urban uses and building types and a significant potential for urban infill. The proposed zoning is appropriate for this property.

STAFF RECOMMENDATION

APPROVAL

Rezoning 1

Properties on Lee St, Cooper St & Aiken St (Peninsula)

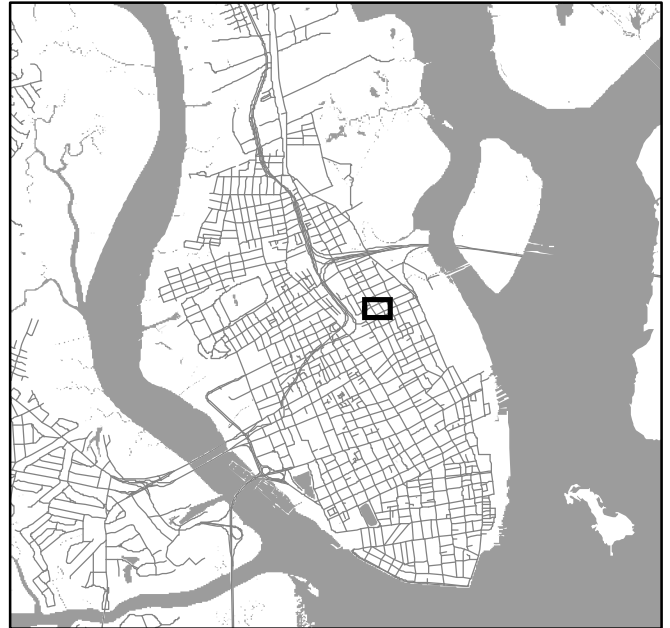
TMS# 4590504116, 192, 193, 194, 195, 197, 198, 220,
& portions of 4590504208 & 209

approx. 2.64 ac.

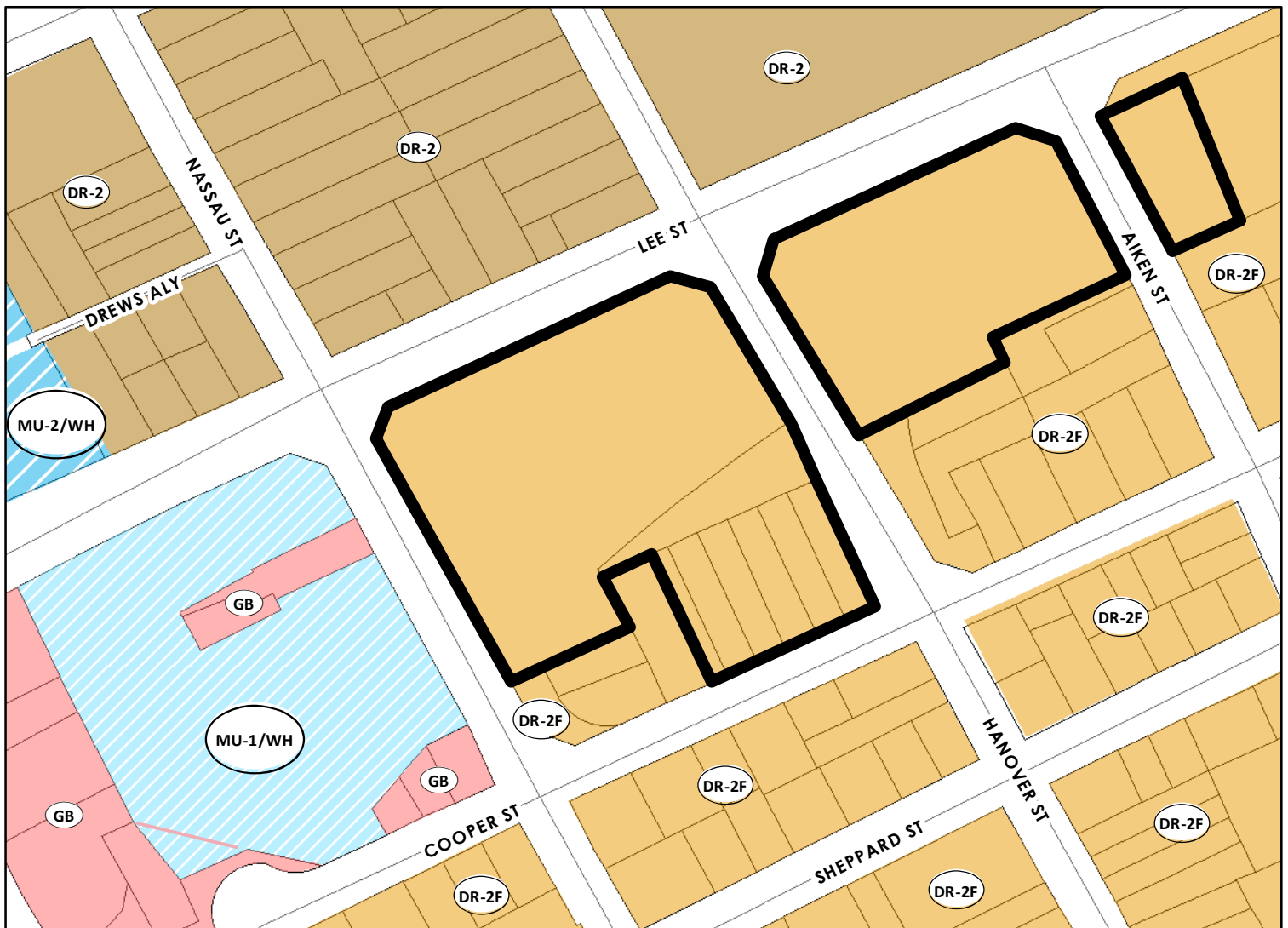
Request rezoning from Diverse Residential (DR-2F)
to Mixed-Use/Workforce Housing (MU-1/WH).

Owner/Applicant: City of Charleston

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Rezoning 2 :

194 Cannon St (Peninsula)

BACKGROUND

Note: Charleston City Council gave first reading approval to this request at the meeting held on October 24, 2017. City Council originally approved an additional adjacent property for this rezoning, but that property (221 Spring Street) has since been withdrawn from the request.

The City of Charleston is requesting a rezoning to include a portion of the subject property in the Accommodations Overlay and to change this portion and a portion of the property already in the overlay to the A-7 designation which carries a maximum 175 room limit. The subject property, located between Spring and Cannon Streets near Courtenay Drive, is surrounded by General Business (GB) and Mixed-Use/Workforce Housing (MU-2/WH) zoning and Accommodations (A) overlay zoning. The subject property is surrounded by hotels, retail, restaurants, offices, MUSC facilities, parking garages and ramps for the Ashley River Bridges (US Hwy 17). The property located at 194 Cannon Street is occupied by a former Wendy's restaurant building while the adjacent property is occupied by an existing Bruegger's Bagels restaurant.

Earlier in 2017, Planning Commission and City Council approved a Planned Unit Development (PUD) for this site considered to be a key redevelopment project in a rapidly changing part of the Charleston peninsula. Situated between MUSC and WestEdge, the subject property is vital to new transportation connections and needed redevelopment of an area long considered to be an island of suburban format in a sea of urban context. The proposed PUD includes accommodations uses with as many as 175 rooms.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is designated in the Century V Plan as **Urban Core** which is characterized by the densest and most mixed-use portions of the City. The proposed Accommodations Overlay meets the goals of the City plan in putting appropriate mixed-use developments in key infill areas of the City; especially downtown.

STAFF RECOMMENDATION

APPROVAL

Rezoning 2

194 Cannon St (Peninsula)

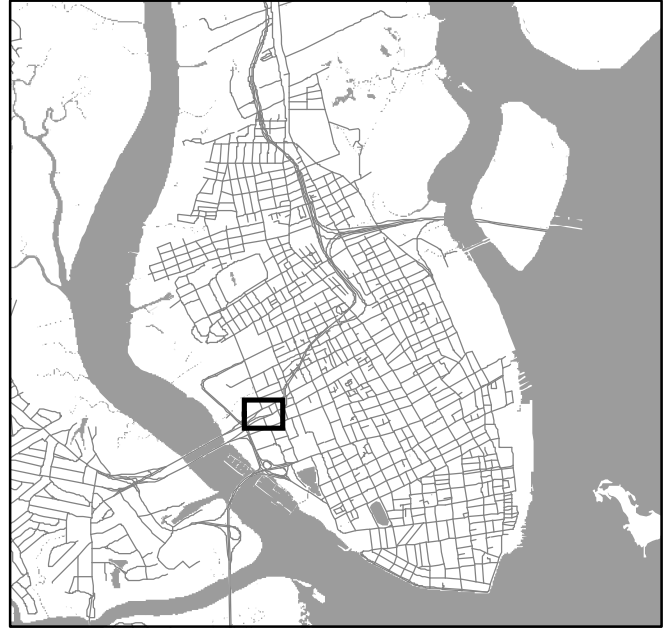
TMS# 4601004013 & right-of-way

approx. 2.07 ac.

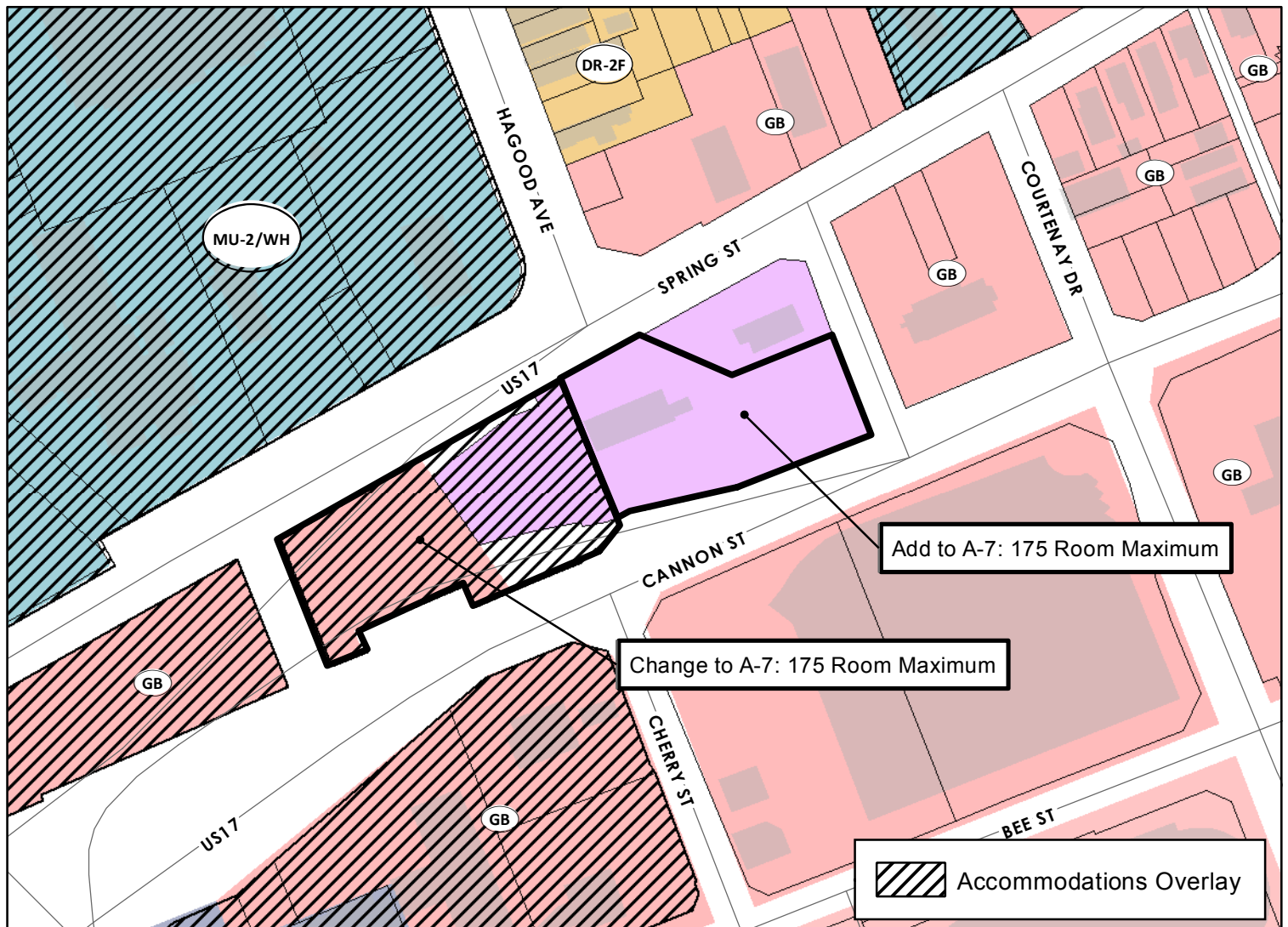
Request rezoning to include property in the area designated as "A-7": 175 Room Maximum in the Accommodations Overlay

Owner: Jem Management Co; Calfran Properties
Applicant: City of Charleston

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

December 20, 2017

Rezoning 5 :

**116 Queen St (rear portion)
(Peninsula)**

BACKGROUND

The applicant is requesting a rezoning to include a portion of the subject property in the School Overlay Zone (S). The property proposed to be rezoned is located at the rear of the property addressed to 116 Queen Street and is zoned Diverse Residential (DR-1F). The property is located adjacent to the Charleston Day School which occupies much of the block bounded by Archdale Street, Queen Street, Logan Street and Magazine Street. Other nearby and adjacent uses include single-family detached residences, townhomes, and multi-family residential units. The block on which the subject property is located is zoned DR-1F and DR-2F. The portion of the property proposed to be rezoned is approximately 1,968 square feet and is vacant.

As is typical in many neighborhoods, schools co-exist with many other uses; including areas with predominately residential uses. The School Overlay Zone is intended to identify areas within residential zoning districts where school uses are allowed. New or expanded school uses are prohibited within residential zoning districts unless they are within the School Overlay Zone.

The Board of Zoning Appeals--Zoning must approve the manner of the use as an exception, upon a finding by the Board that certain conditions will be met to minimize the potential negative impacts to the greatest extent possible. These conditions are as follows:

For nursery, preschool and kindergarten schools:

- (a) Proof of the application for the facilities licensing by the Department of Social Services is provided;*
- (b) Outdoor play is allowed only between the hours of 8 a.m. and 6 p.m.;*
- (c) Play areas within fifty feet (50') of a residential structure are appropriately buffered;*
- (d) Off-street parking requirements of this Chapter are met and parking areas are appropriately buffered;*
- (e) Plans for ingress/egress, loading/unloading and the location of the parking and play areas are approved for safety by the appropriate City department(s);*
- (f) The facility is compatible with the surrounding neighborhood based upon consideration of the number of persons in the facility, potential traffic and noise impacts, location of the play, parking, loading and circulation areas and relation to other noise or traffic generating institutions (particularly if another non-residential facility is facing or abutting the same block face or is within three hundred feet (300') of the proposed site); and*
- (g) Proposed outdoor lighting of the facility does not unduly impact neighboring properties.*

For elementary and secondary schools and colleges:

- (a) The principal building(s) shall occupy no more than fifty (50) percent of the lot on which the building(s) is (are) located;*
- (b) Sufficient well-designed parking spaces will be provided internal to the campus and parking areas shall be appropriately buffered;*
- (c) Dormitory type facilities will be no closer than twenty-five feet (25') to any lot occupied by a single-family dwelling;*
- (d) Excessive traffic will not be generated on a residential street; and*
- (e) The facility is compatible with the surrounding neighborhood based upon consideration of the number of persons in the facility, potential traffic and noise impacts, location of the play, parking, loading and circulation areas and relation to other noise or traffic generating institutions (particularly if another non-residential facility is facing or abutting the same block face or is within three hundred feet (300') of the proposed site).*

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends keeping the character of established areas in the City when considering rezoning property. The School Overlay Zone indicates the City's recognition of the importance of schools in neighborhoods and is it designed to make sure that existing school uses continue to be compatible with surrounding neighborhoods. The subject property area is designated in the Century V Plan as **Urban** which includes many uses and building types, including schools. Rezoning the subject property to be included in the School Overlay Zone is recommended to encourage a mix of compatible urban uses and ensure appropriate continued school uses occur within the existing neighborhood.

STAFF RECOMMENDATION

APPROVAL

Rezoning 5

116 Queen St (Peninsula)

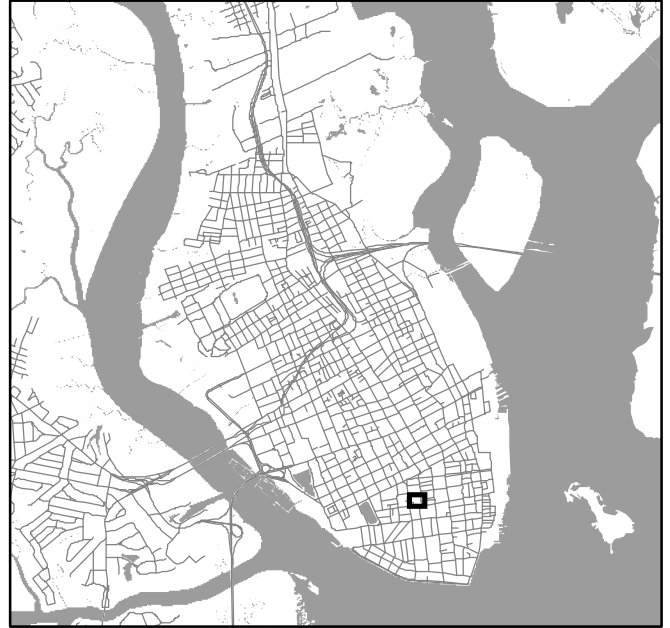
a portion of TMS# 4570804074

0.045 ac.

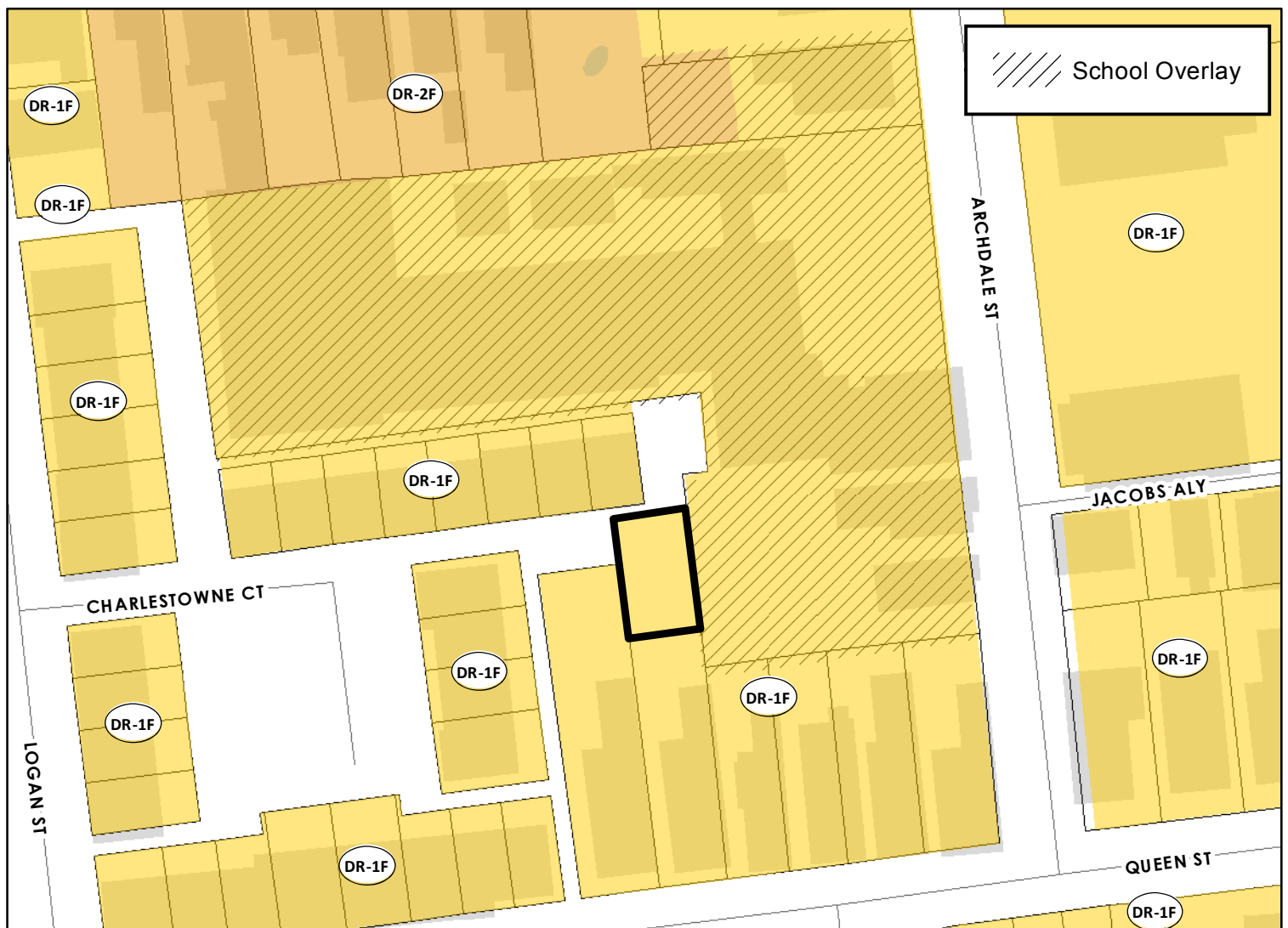
Request rezoning to include the rear portion of the property in the School (S) Overlay Zone.

Owner: L. Sloan Wright et al.
Applicant: Charleston Day School

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Rezoning 6 :

**41 Bogard St
(Cannonborough-Elliottborough - Peninsula)**

BACKGROUND

The applicant is requesting a rezoning from Diverse Residential (DR-2F) to Commercial Transitional (CT). The subject property, located on the southeast corner of Bogard Street and Ashe Street, is surrounded by Diverse Residential (DR-2F) zoning with some Limited Business nearby on Spring Street. The property is surrounded by mostly multi- and single-family residential properties but one commercial use (a gallery) exists one block away at Bogard Street and Rose Lane. The property has historically had a corner business, and is currently designed as a mixed-use building.

Corner commercial uses are a Charleston tradition. As in most urban areas, small commercial uses such as offices, food stores, delis, restaurants and cafes have historically co-existed among residential uses. The Charleston peninsula and the Cannonborough/Elliottborough neighborhood have many mixed-use corner properties and they are often a desirable feature in neighborhoods both new and old. Some of the existing corner commercial uses throughout Charleston are zoned commercially, but many are considered 'legal non-conforming' because their commercial uses historically pre-date their existing zoning district.

The CT zoning district allows many commercial and residential uses considered to be compatible with predominantly residential neighborhoods. The intensity of uses, hours of operation, size and outdoor activity are restricted in this zoning district more so than other commercial zoning districts.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is designated in the Century V Plan as **Urban** which is characterized by a mix of residential and commercial uses. Given the urban character of the surrounding blocks, and the restrictions of the CT zoning district, the requested CT zoning is appropriate.

STAFF RECOMMENDATION

APPROVAL

Rezoning 6

41 Bogard St (Peninsula)

TMS# 4600803144

0.05 ac.

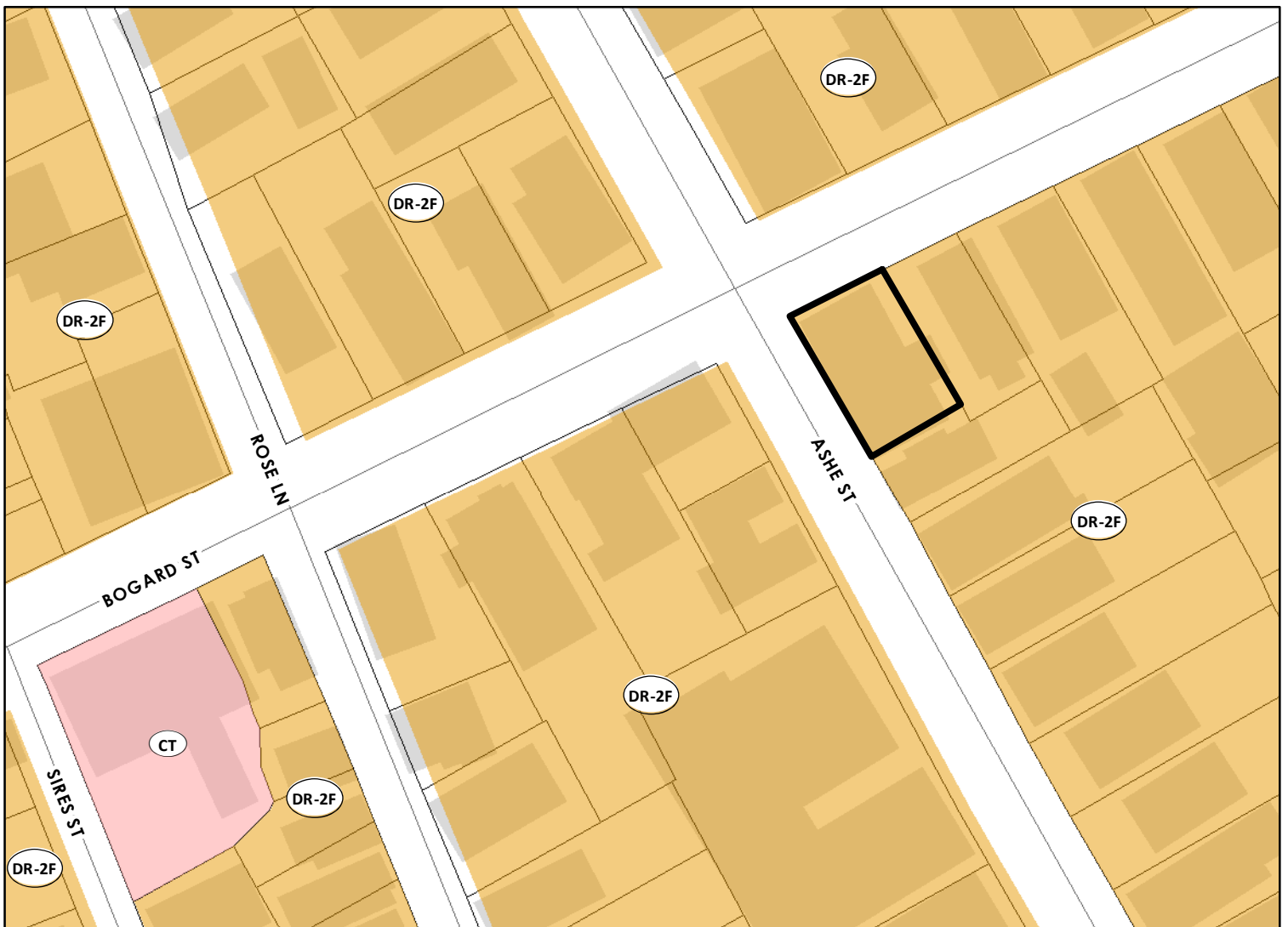
Request rezoning from Diverse Residential (DR-2F)
to Commercial Transitional (CT).

Owner/Applicant: 9 Bogard St LLC - Ian Tomlinson

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Rezoning 7 :

**18 Percy St
(Cannonborough-Elliottborough - Peninsula)**

BACKGROUND

The applicant is requesting a rezoning from Diverse Residential (DR-2F) to Commercial Transitional (CT). The subject property, located on the northeast corner of Percy Street and Bogard Street, is surrounded by Diverse Residential (DR-2F) zoning with some General Business (GB) zonings nearby. The property is surrounded by mostly multi- and single-family residential properties but one commercial use one block away at the corner of Coming Street. The property has historically had a corner business and is currently occupied by a small restaurant use on the ground floor and a residential use on the upper floor.

Corner commercial uses are a Charleston tradition. As in most urban areas, small commercial uses such as offices, food stores, delis, restaurants and cafes have historically co-existed among residential uses. The Charleston peninsula and the Cannonborough/Elliottborough neighborhood have many mixed-use corner properties and they are often a desirable feature in neighborhoods both new and old. Some of the existing corner commercial uses throughout Charleston are zoned commercially, but many are considered 'legal non-conforming' because their commercial uses historically pre-date their existing zoning district.

The CT zoning district allows many commercial and residential uses considered to be compatible with predominantly residential neighborhoods. The intensity of uses, hours of operation, size and outdoor activity are restricted in this zoning district more so than other commercial zoning districts.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is designated in the Century V Plan as **Urban** which is characterized by a mix of residential and commercial uses. Given the urban character of the surrounding blocks, and the restrictions of the CT zoning district, the requested CT zoning is appropriate.

STAFF RECOMMENDATION

APPROVAL

Rezoning 7

18 Percy St (Peninsula)

TMS# 4600801063

0.05 ac.

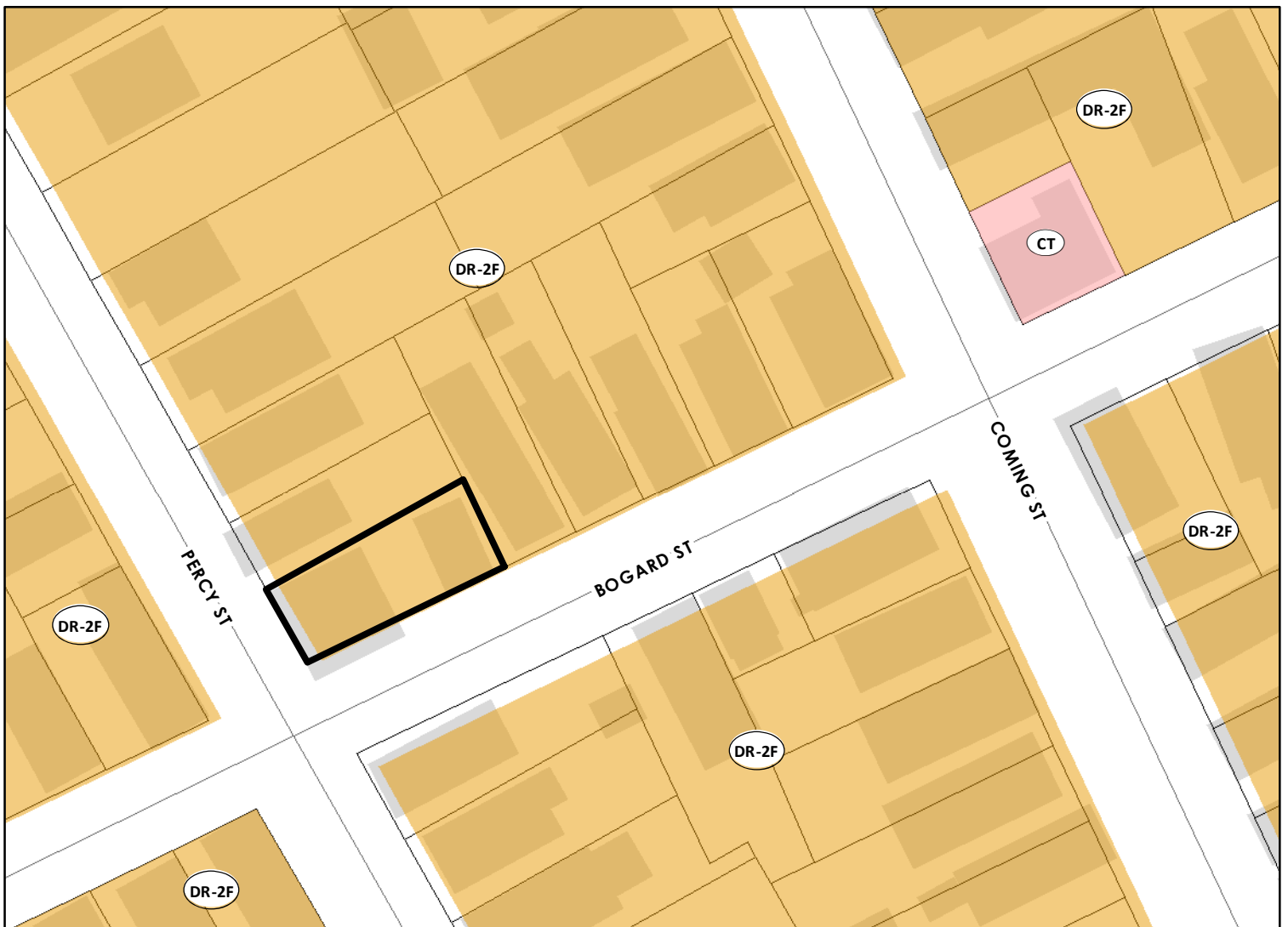
Request rezoning from Diverse Residential (DR-2F)
to Commercial Transitional (CT).

Owner/Applicant: 9 Bogard St LLC - Ian Tomlinson

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Rezoning 8 :

651 Meeting St (Peninsula)

BACKGROUND

The applicant is requesting a rezoning from General Business (GB) to Mixed-Use Workforce Housing (MU-1/WH). The subject property, located on the west side of Meeting Street between Poinsett Street and Butler Street, is surrounded by General Business (GB), Limited Business (LB) and Diverse Residential (DR-1F) zonings. Surrounding uses include the adjacent School of the Building Arts, Meeting Street Academy across the street, a small convenience store and single and multi-unit residential buildings. The subject property is occupied by the vacant shell of a former commercial building.

The general area surrounding the subject property has the potential for well-designed, infill development that could contribute to the revitalization of this part of the peninsula and the City overall. The area has the potential to be developed with uses that provide many services to the City including neighborhood services, places of employment and affordable housing. Access to the US Highway 17, Interstate 26, major peninsula streets, public transit stops and future potential rail stations make this area ideal for higher residential densities and compatible uses. The recent changes to the Height Districts on the peninsula saw this area rezoned to the 4 story height district.

The Mixed Use/Workforce Housing zoning districts were created to encourage mixed use development with diverse housing options in appropriate areas of the City. The district provides incentives to encourage a mixture of uses and promotes a mixture of housing opportunities within a single project through rental and homeowner programs aimed at specific income levels. The permitted uses in MU-1/WH are the same as those allowed in Limited Business (LB) zoning.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** notes that this area is adjacent to the region's key mass transit route as well as the central vehicle artery of I-26. More diversity of uses and housing density is, therefore, appropriate and encouraged in such a location. The Century V Plan indicates the area in which the subject property lies to be **Urban Core** and suitable for higher residential densities and mixture of uses. Urban-format buildings in this area will be a catalyst for future development in the area. Given the context of existing structures, existing uses, and proximity to existing and potential transportation nodes, the MU-1/WH zoning is recommended for this area.

STAFF RECOMMENDATION

APPROVAL

Rezoning 8

651 Meeting St (Peninsula)

TMS# 4631602061

0.61 ac.

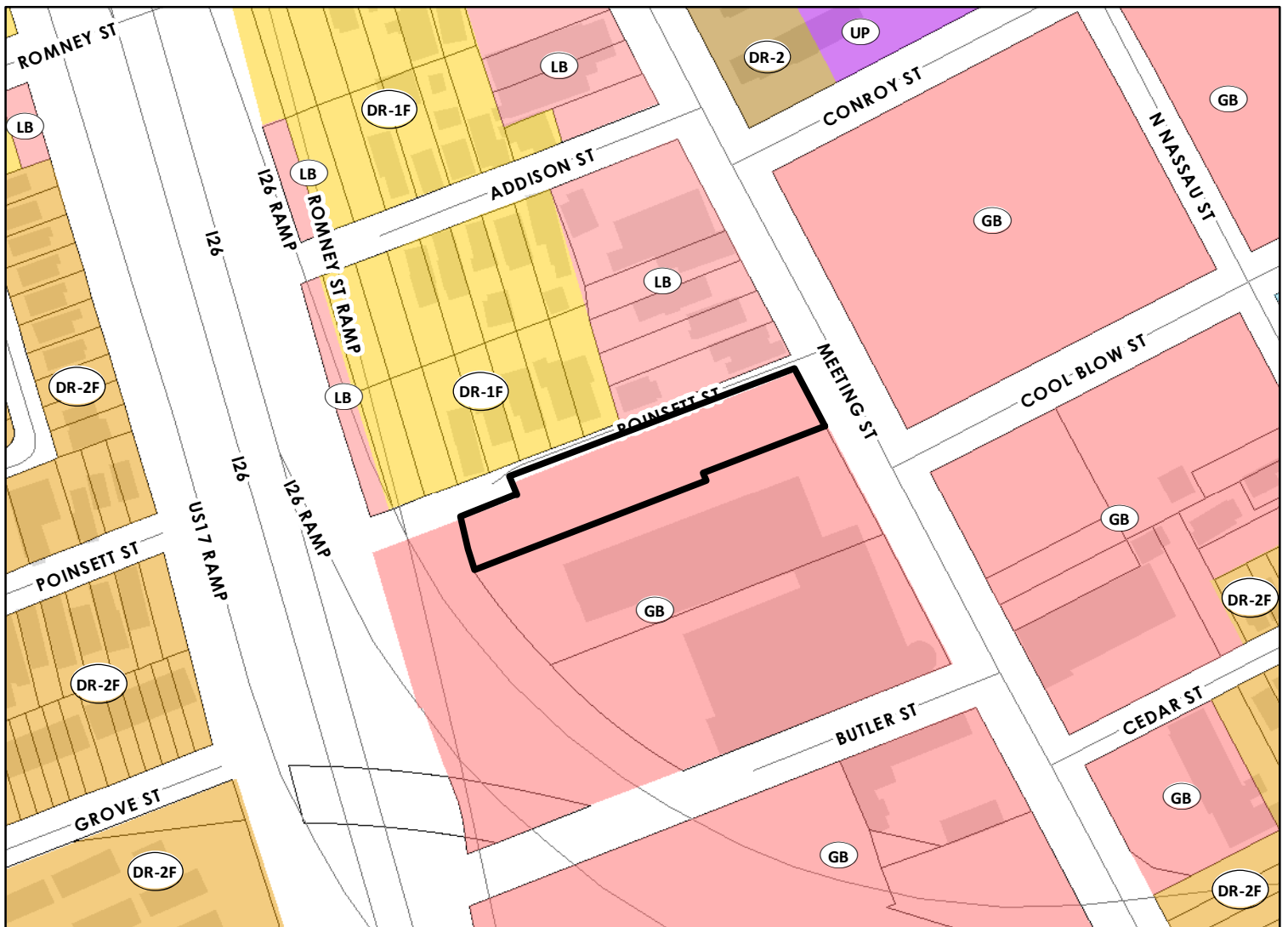
Request rezoning from General Business (GB)
to Mixed-Use/Workforce Housing (MU-1/WH).

Owner: 651 Meeting Street Partners LLC
Applicant: Madison Capital Group LLC

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Subdivision 1:

**Fairbanks Drive
(Daniel Island)**

BACKGROUND

The applicant is requesting subdivision concept plan approval for 16.78 acres on Fairbanks Drive on Daniel Island. This project consists of the creation of new rights-of-way to serve 90 parcels for single-family attached and single-family detached homes. The proposed rights-of-way are typical for Local Residential Streets and Rear Alleys on Daniel Island and the new parcels conform to the subdivision requirements for new parcels in the DI-GO zone district. There is critical area adjacent to this site, which is not proposed to be impacted. There are jurisdictional wetlands on the site, impacts to which would require approval by USACOE. There are grand trees on the site, impacts to which have received approval by the Board of Zoning Appeals – Site Design. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Daniel Island General Office (DI-GO), which allows single-family residential uses. The surrounding existing uses include primarily multi-family residential and civic uses.

STAFF RECOMMENDATION

APPROVAL

Subdivision 1

Fairbanks Drive (Daniel Island)

TMS# 2710000010 & 012

16.78 ac.

90 lots. Request subdivision concept plan approval.
Zoned Daniel Island General Office (DI-GO).

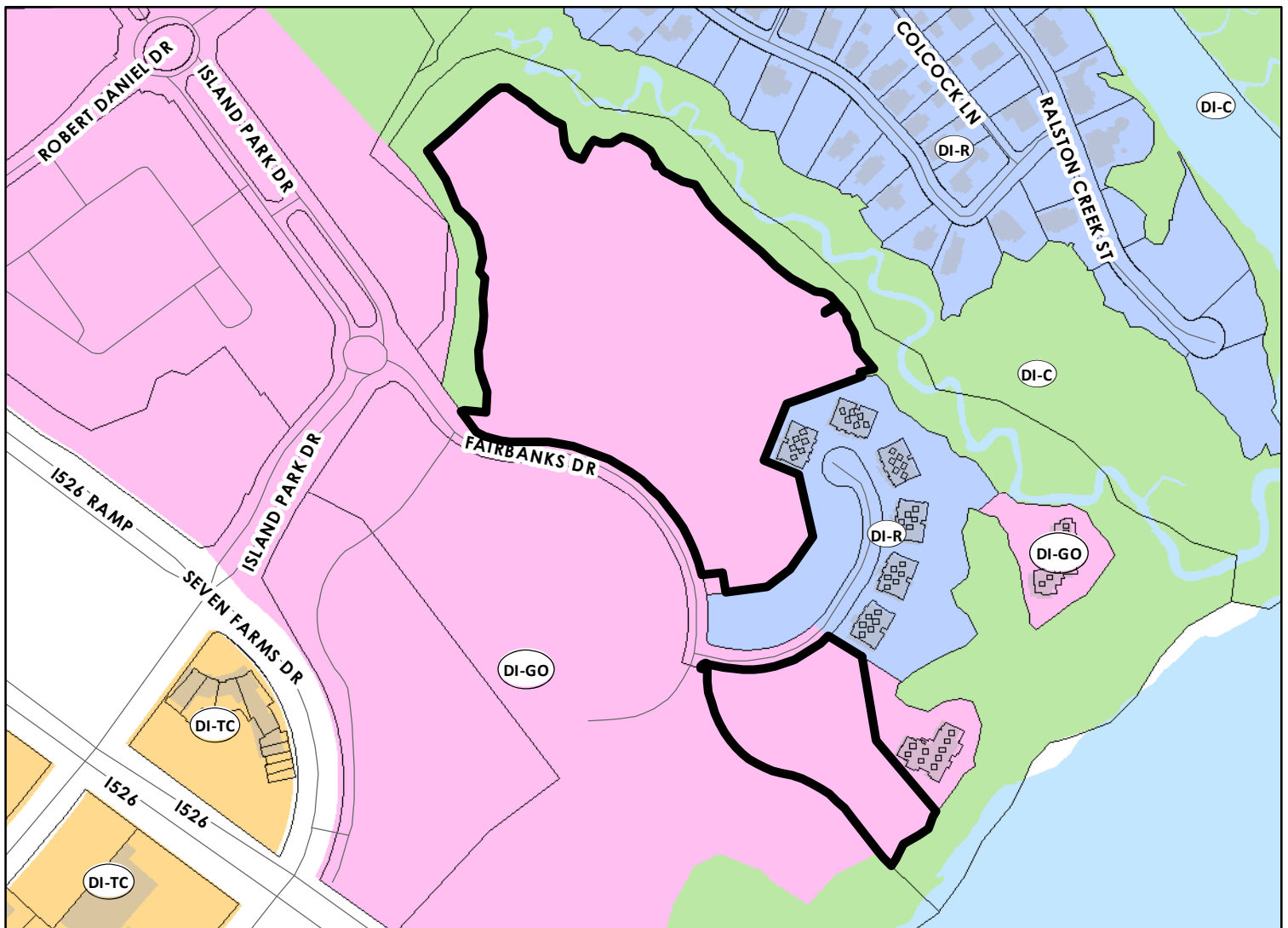
Owner: Daniel Island Riverside Developers, LLC

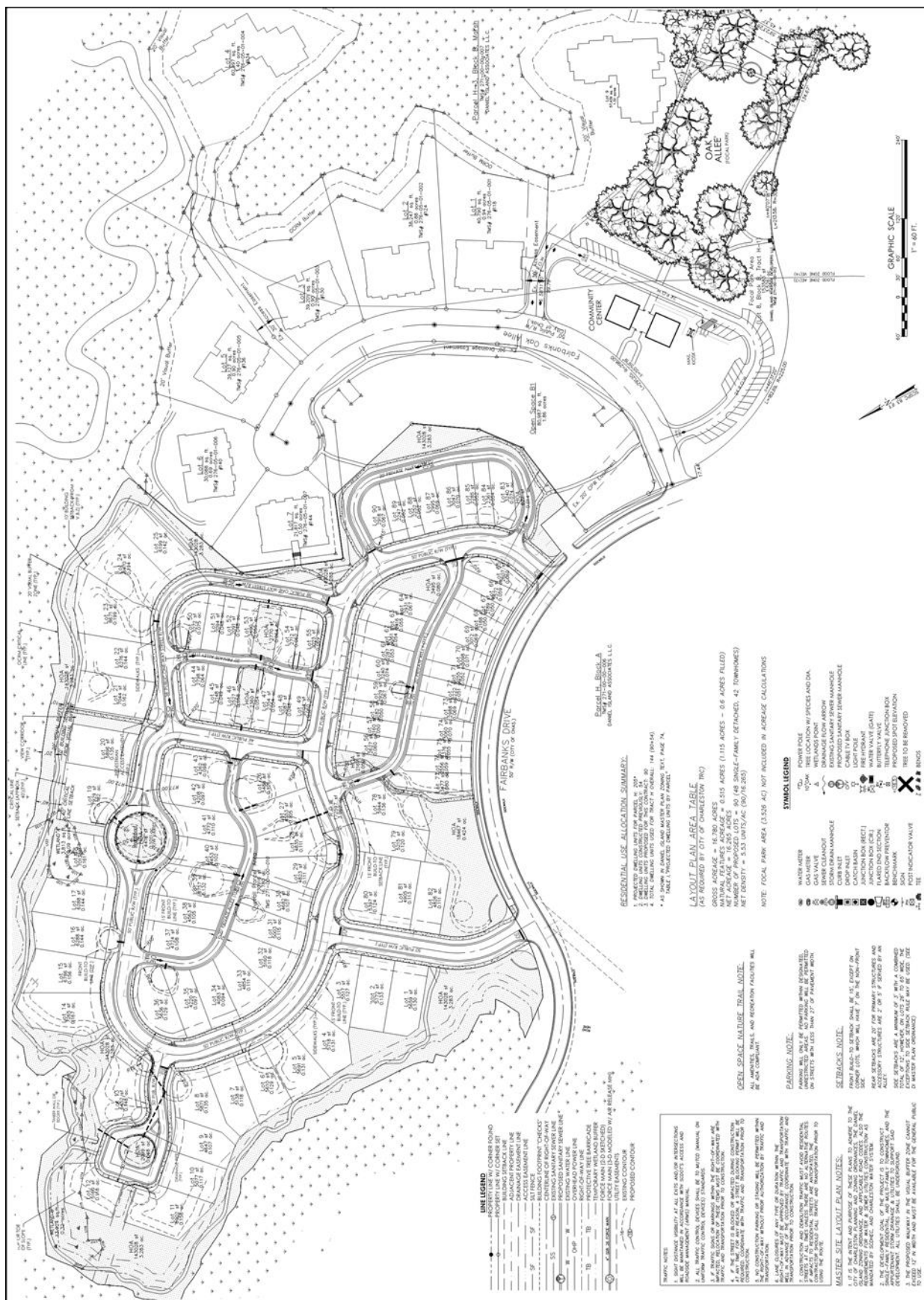
Applicant: Lowcountry Land Development Consultants

Area



Location





CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Subdivision 3:

Produce Lane (Johns Island)

BACKGROUND

The applicant is requesting subdivision concept plan approval for 7.36 acres on Maybank Highway at Produce Lane on Johns Island. This project consists of the creation of new rights-of-way to serve 33 parcels for single-family detached homes, a commercial outparcel on Maybank Highway, and to provide future right-of-way connections to adjacent parcels. The proposed rights-of-way are typical for Local Single-Family Residential Access Streets and the new parcels conform to the subdivision requirements for the DR-2 and GB zone districts. There is no critical area adjacent to this site. There are non-jurisdictional wetlands on the site, which are proposed to be filled for this development. There are grand trees on the site, the proposed impacts to which have received the approval of BZA-SD. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned General Business (GB) and Diverse Residential (DR-2). The surrounding existing uses include primarily single-family residential uses.

STAFF RECOMMENDATION

APPROVAL

Subdivision 3

Produce Lane (Johns Island)

TMS# 3130000152, 153, 154, 157, 158

7.36 ac.

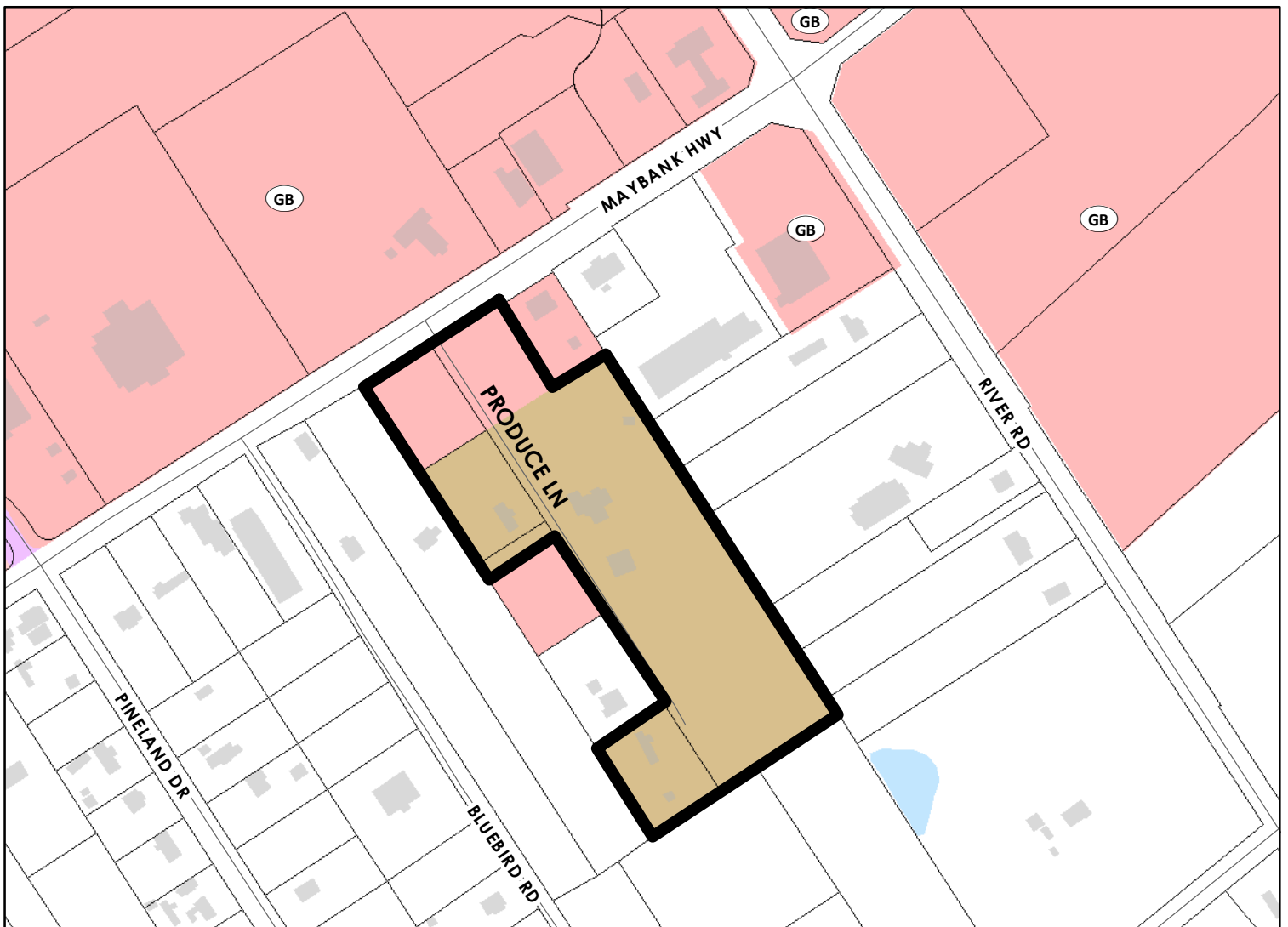
34 lots. Request subdivision concept plan approval.
Zoned Diverse Residential (DR-2)
and General Business (GB).

Owner: Reavis-Comer Development
Applicant: HLA, Inc.

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

December 20, 2017

Zoning 1:

Recently Annexed Property in West Ashley

BACKGROUND

The following zoning item is located in the West Ashley area of the City and was recently annexed. The zoning district recommended in the City closely matches the zoning assigned to the property in Charleston County or is compatible with the context of the existing development or lot sizes in the surrounding neighborhood.

<u>Zoning Item</u>	<u>Property Address</u>	<u>Acres</u>	<u>Land Use</u>	<u>Previous Zoning</u>	<u>Recommended Zoning</u>
I.	1419 Adele St	0.10	Single-Family Residential	R-4	SR-2

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is designated in the Century V Plan as **Suburban** which is predominately residential with varying suburban densities. Given the existing pattern of development in the surrounding area the proposed SR-2 zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL

Zoning 1

1419 Adele St (West Ashley)

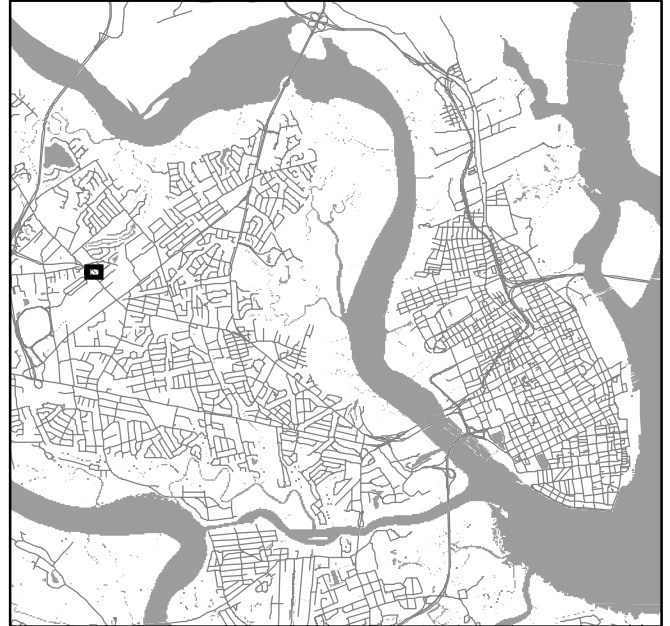
TMS# 3510700046

0.10 ac.

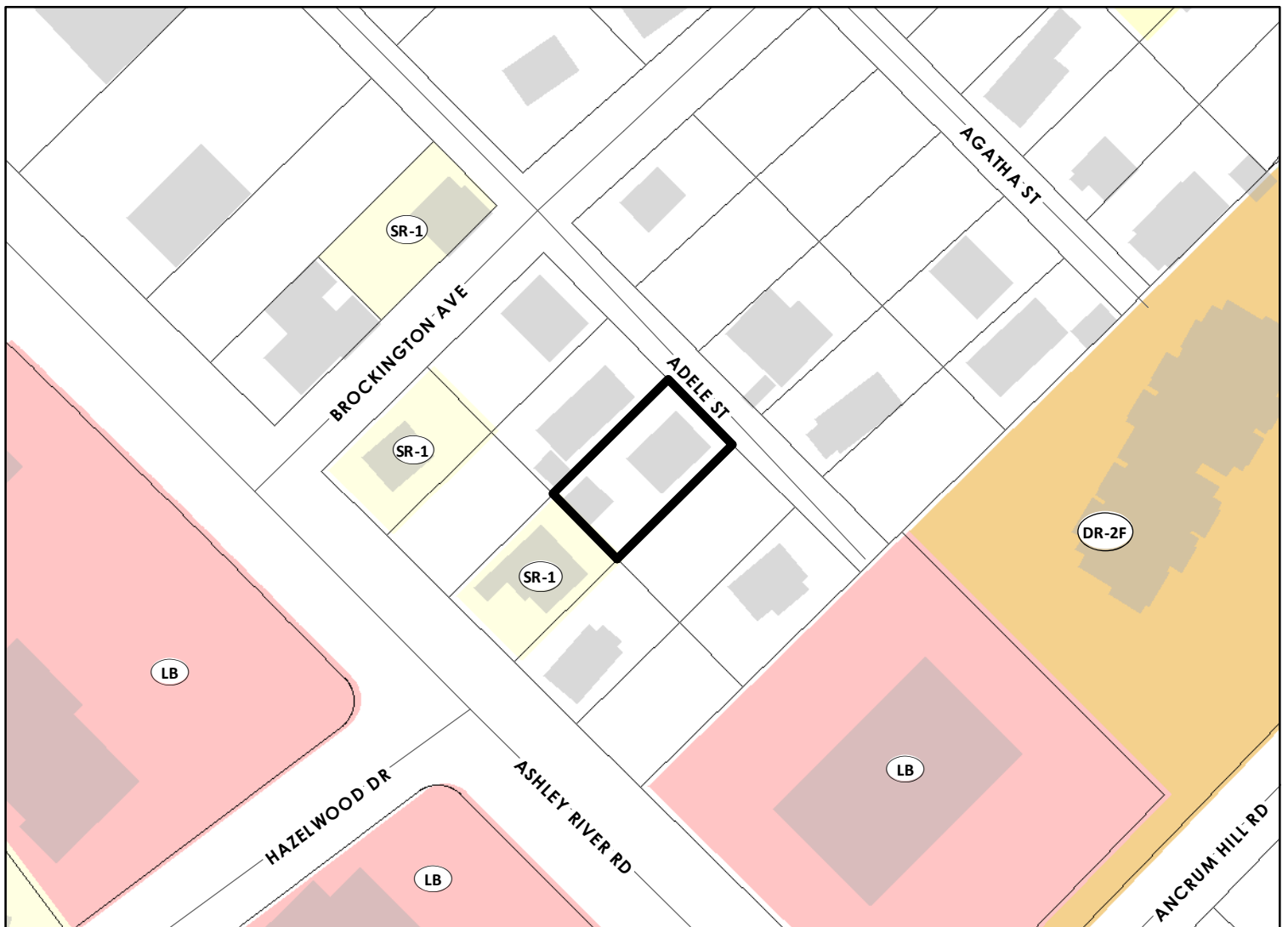
**Request zoning of Single-Family Residential (SR-2).
Zoned Single-Family Residential (R-4)
in Charleston County.**

Owner: John Kerr

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Zoning 2:

**251 Louise P. Gardner St
(James Island)**

BACKGROUND

The following zoning item is located in the James Island area of the City and the annexation is pending approval by City Council. The zoning district recommended in the City is Single and Two-Family Residential (STR) which is compatible with the context of the existing development. The property contains an existing duplex and a newly constructed accessory building. Adjacent and nearby zonings include Single-Family Residential (SR-1) in the City and Single-Family Residential (R-4), Office Residential (OR) and Community Commercial (CC) in Charleston County. Surrounding properties contain single-family homes on small lots.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is designated in the Century V Plan as **Suburban** which is predominately residential with varying suburban densities and limited compatible commercial and office uses. Given the existing pattern of development in the surrounding area the proposed STR zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL

Zoning 2

251 Louise P. Gardner St (James Island)

TMS# 3430300246

0.49 ac.

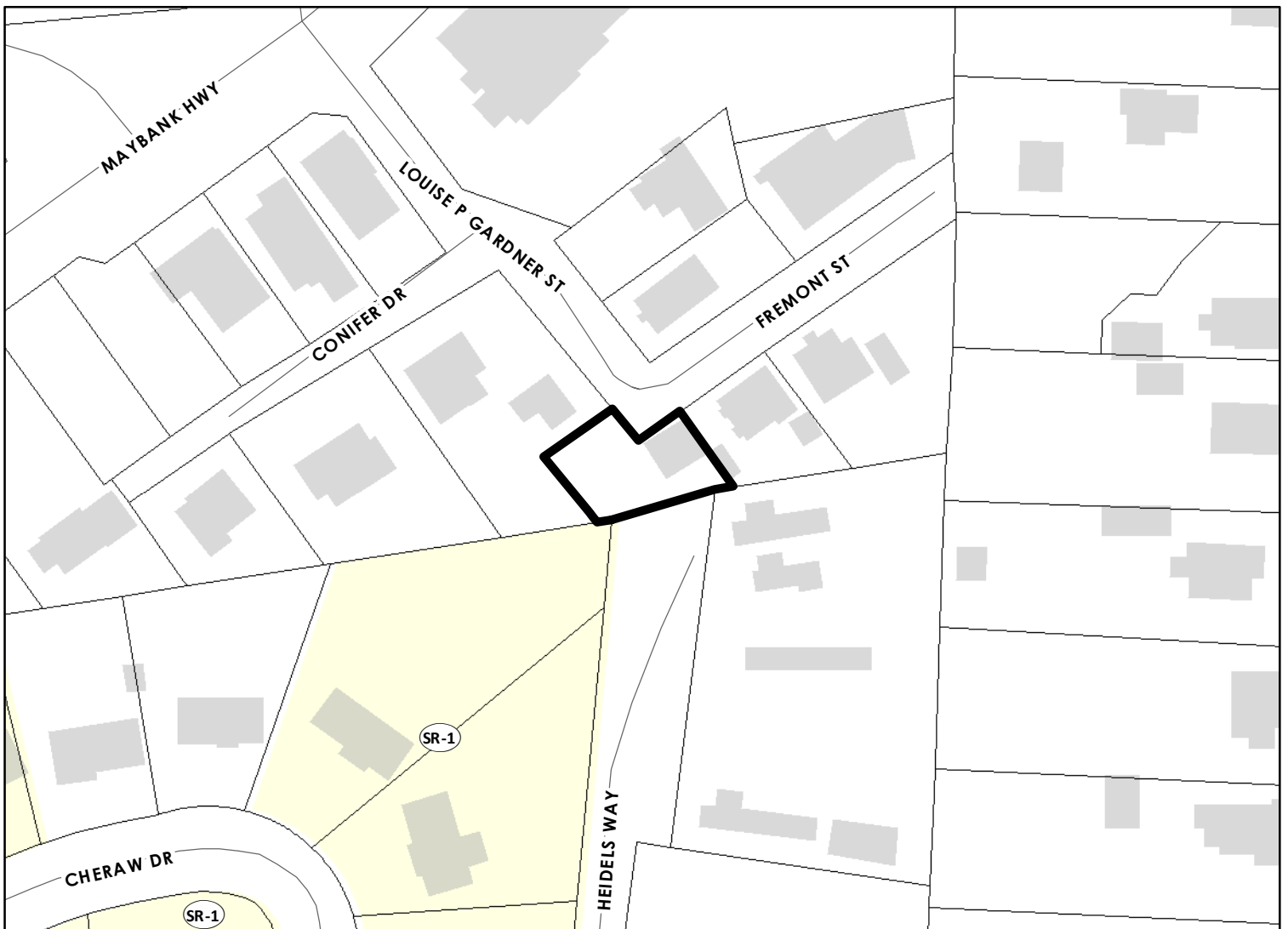
Request zoning of Single and Two-Family Residential (STR). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Christopher DiMattia

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Zoning 3 :

Folly Road and Grimball Road Ext (James Island)

BACKGROUND

The subject property is pending annexation into the City and the property owner is requesting a zoning of Limited Business (LB) on five properties. The property is zoned Folly Road Corridor Overlay (FRC-OD) in Charleston County. The County land use recommendation associated with the FRC-OD is Neighborhood Commercial (CN). The County's CN zoning most closely aligns with the City's Limited Business (LB) zoning.

Surrounding zonings include Limited Business (LB) and Planned Unit Development (PUD) in the City and FRC-OD and Special Management Area (S-3) in Charleston County. The subject property is surrounded by apartments (across Grimball Road Ext), large-acre lots and single-family homes. Across Folly Road there are businesses including a manufacturer of carbon-fiber parts and supplies. The subject properties are occupied by three single-family homes (off Grimball Road Extension) and a house (on Folly Road) that has historically had commercial uses. Much of the total 10 acres is vacant.

The applicant has indicated the desire to sell the property and interested buyers have proposed townhomes with a significant portion of workforce housing. The applicant has indicated that the LB zoning district is desirable but would also be comfortable with an additional application of the City's recently created Folly Road Overlay (FR) district (which just received final approval by City Council at the December 11, 2018 meeting). The FR Overlay would limit the property to a maximum 12 residential units per acre (if workforce housing is included). The LB zoning without the FR Overlay zoning would allow up to 19.4 units per acre.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V** Plan recommends maintaining the character of established areas in the City when considering the zoning of recently annexed property. Recommendations for zoning also take into consideration the context of the County's land use plan. The subject properties are designated in the Century V Plan as **Rural** which is typically characterized by low residential density and agricultural uses. The properties are located just outside of the City's Urban Growth Boundary in an area of James Island that has a semi-rural and suburban context, and some more intensive uses. The area has also seen some suburban residential development of late. Given the existing zoning in the County and existing pattern of development on Folly Road in the surrounding area, the requested Limited Business (and Folly Road Overlay) is appropriate because the zoning would allow many uses with restrictions that protect the area from high-intensity uses.

STAFF RECOMMENDATION

APPROVAL OF LB WITH FOLLY ROAD OVERLAY (FR)

Zoning 3

Folly Rd and Grimball Road Ext (James Island)

TMS# 427-00-00-020, 039, 106, 110 & 111

approx. 10.0 ac.

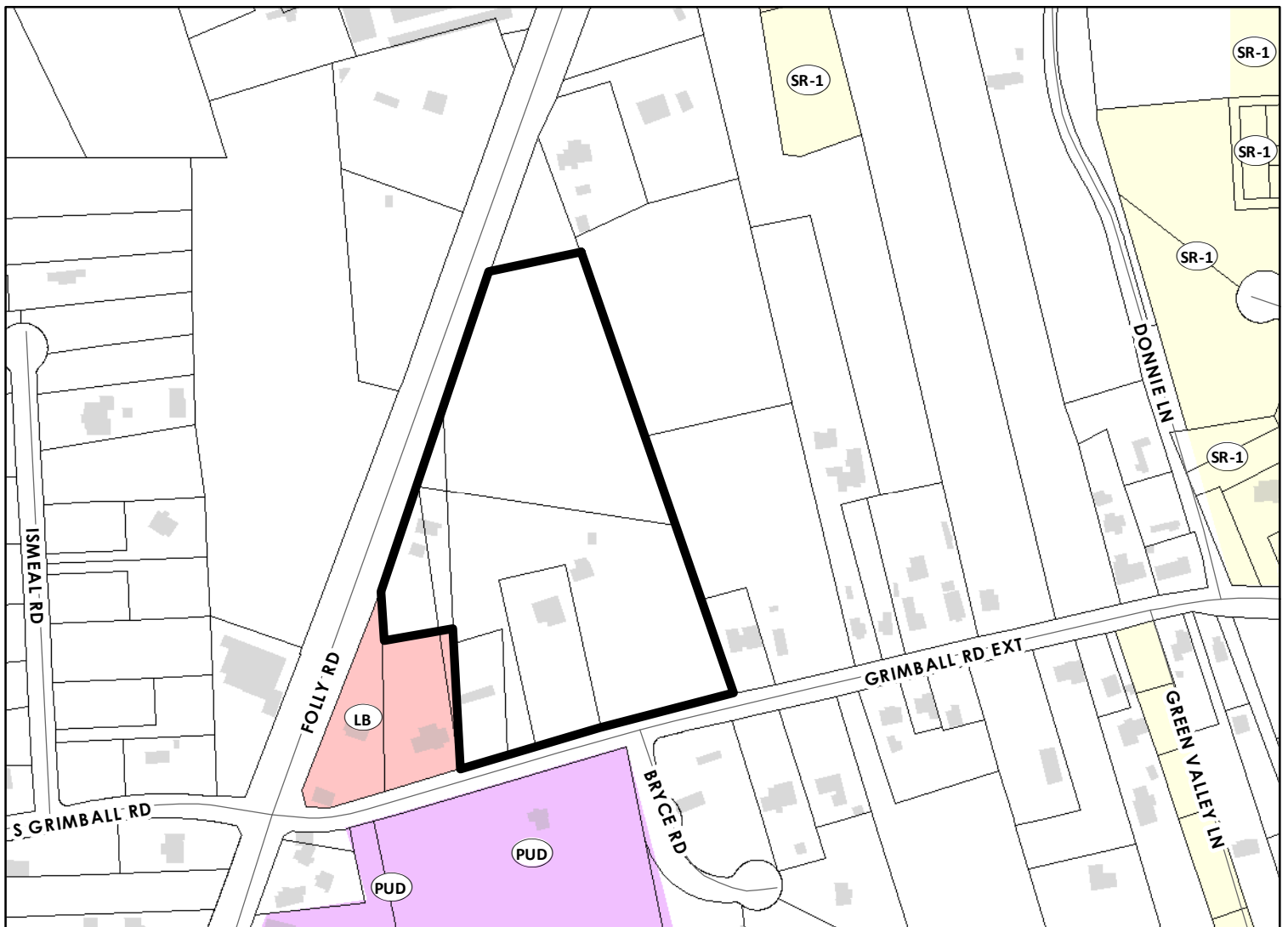
Request zoning of Limited Business (LB).
Zoned Folly Road Corridor Overlay District (OD-FRC)
in Charleston County.

Owner: Willie B. Moultrie Trustee

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

December 20, 2017

Zoning 4:

A portion of a property located on Bees Ferry Rd (West Ashley)

BACKGROUND

Note: City Council gave first reading approval to the zoning of this property at its meeting of November 13, 2018.

The subject property is pending annexation into the City and the property owners are requesting a zoning of Limited Business (LB). The property is zoned Industrial (I) in Charleston County. Surrounding zonings include Limited Business (LB), Single-Family Residential (SR-1), Diverse Residential (DR-1F) and Planned Unit Development (PUD) in the City and Industrial (I) in Charleston County.

Only the highland portion of the property (approximately 17 acres) located on Bees Ferry Road is requested for annexation and zoning. The bulk of the property is wetlands and will remain in Charleston County. Adjacent and nearby uses include wooded tracts to the north and east, apartments (Bolton's Landing) and wetlands to the south. The subject property is mostly wooded and contains a major power-line easement running along its southern boundary.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends keeping the character of established areas in the City when considering the rezoning of property. The Century V Plan map indicates the subject property is within the **Urban Growth Boundary** in an area designated as **Job Center**. Job Center areas often have a wide variety of uses, including mixed use and residential development, if non-compatible commercial or industrial uses do not already exist. Given the existing zoning and existing pattern of development in the Bees Ferry area, the proposed Limited Business (LB) zoning is appropriate for this area.

STAFF RECOMMENDATION

APPROVAL

Zoning 4

Bees Ferry Road (West Ashley)

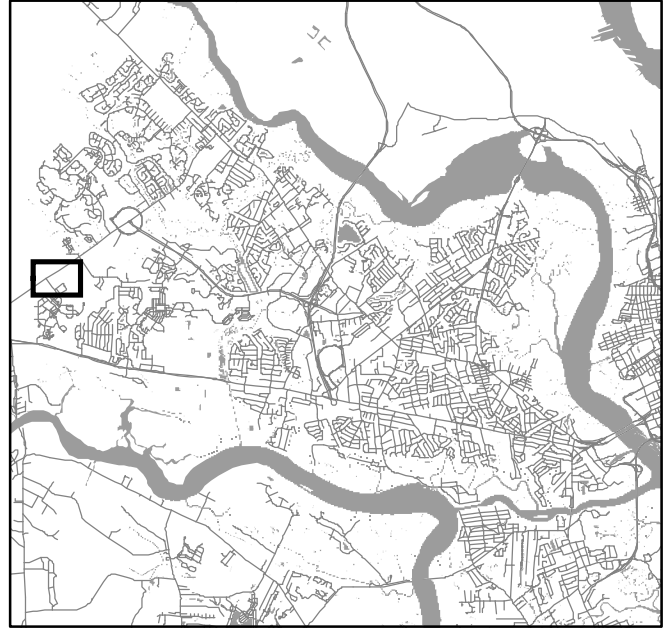
TMS# 2860000040 (a portion)

approximately 17.13 ac.

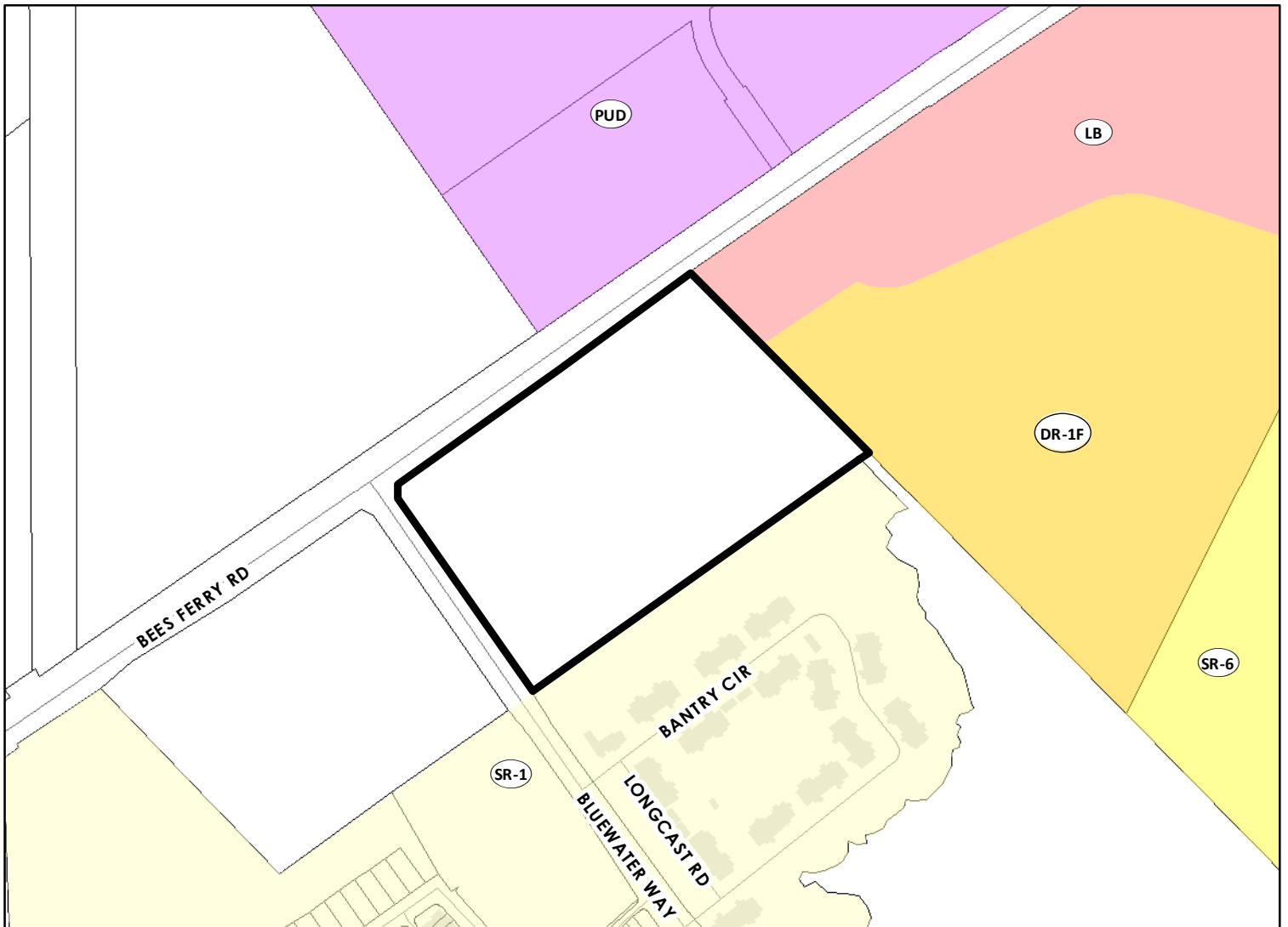
Request zoning of Limited Business (LB).
Zoned Industrial (I) in Charleston County.

Owner: Julia E. Bradham et al.

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

December 20, 2017

Ordinance Amendment 1 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities.

BACKGROUND

City Council gave first reading approval to the attached ordinance amendment and referred it to Planning Commission for further recommendation. The amendment adds a specific maximum-room designation to the Accommodations Overlay Zone. The proposed amendment would create the "A-7" designation with a maximum number of rooms limited to 175. This amendment is related to the rezoning request to rezone a property located on Cannon Street to be included in the Accommodations Overlay zone with the new A-7 designation.

This item will be presented in more detail during the December 20 meeting.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY REVISING SECTION 54-220 (B) (1) (E) (15) PERTAINING TO LIMITS ON THE NUMBER OF ROOMS IN FACILITIES.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Section 54-220 (b) (1) (e) (15) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding text shown below with a double-underline:

- (15) the number of rooms in the facility; provided however that the number of rooms in a facility shall not exceed 50 in areas designated "A-1" on the zoning map; 180 in areas designated "A-2" on the zoning map; 225 in areas designated "A-3" on the zoning map; 100 in areas designated "A-4" on the zoning map; 150 in areas designated "A-5" on the zoning map; ~~and 69~~ in areas designated "A-6" on the zoning map; and 175 in areas designated "A-7" on the zoning map; and further provided that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north, the number of rooms in a facility may exceed 50 if the facility is a full-service hotel that provides 20,000 or more square feet of meeting and conference space, and an on-site restaurant that serves breakfast, lunch and dinner seven days a week;

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2017, and in the ____ Year of the Independence of the United States of America

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner-Maybank
Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

December 20, 2017

Ordinance Amendment 2 :

Request approval to amend Ordinance No. 2017-083, establishing a Temporary Moratorium on the acceptance or processing of applications pertaining to properties on James Island located in non-residentially zoned districts that exceed 4 units or 25,000 square feet, so as to extend the expiration date of the Temporary Moratorium until December 31, 2017.

BACKGROUND

City Council gave first reading approval to the attached ordinance amendment and referred it to Planning Commission for further recommendation. The ordinance extends the existing moratorium on certain development on James Island to the end of 2017.

This item will be presented in more detail during the December 20 meeting.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND ORDINANCE NO. 2017-083, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF APPLICATIONS PERTAINING TO PROPERTIES ON JAMES ISLAND LOCATED IN NON-RESIDENTIALLY ZONED DISTRICTS THAT EXCEED 4 UNITS OR 25,000 SQUARE FEET, SO AS TO EXTEND THE EXPIRATION DATE OF THE TEMPORARY MORATORIUM UNTIL DECEMBER 31, 2017.

BE IT ORDAINED BY THE MAYOR AND COUNILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings: Ordinance No. 2017-083, ratified by City Council on August 15, 2017, established a temporary moratorium on the acceptance or processing of applications pertaining to properties located on James Island located in non-residentially zoned districts that exceeded 4 units or 25,000 square feet. The Ordinance provides that the temporary moratorium would expire 180 days after first reading, or on November 5, 2017. The Planning Commission has under consideration staff recommendations regarding development on non-residentially zoned properties on James Island, but has yet to finalize its report. To allow time for the Planning Commission to fully consider staff recommendations and to receive public input with respect thereto, City Council deems it necessary and in the interests of the public that the temporary moratorium be extended until December 31, 2017.

Section 1. Section 1, Part 7, Subpart 54-980 of Ordinance No. 2017-083 is hereby amended by deleting from the last line of the second paragraph thereof the words “for a period of 180 days”, and by substituting in their place and stead the words “ until December 31, 2017”.

Section 2. Section 1, Part 7, Subpart 54-981 of Ordinance No. 2017-083 is hereby amended to read as follows:

“Sec. 54-81 Temporary Moratorium.

A temporary moratorium, until December 31, 2017, is hereby imposed on the acceptance and processing of development applications pertaining to properties on James Island located in non-residential zoning districts that exceed 4 units or 25,000 square feet.”

Section 3. Section 1, Part 7, Subpart 54-984 of Ordinance No. 2017-083 is hereby amended to read as follows:

“Sec. 54-984 Expiration.

The provisions of this Part 7 shall expire on December 31, 2017.”

Section 4. In all other respects, the provisions of Ordinance No. 2017-083 are reaffirmed and remain in full force and effect.

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_____ in the Year of Our Lord, 201__,
and in the _____th Year of the Independence of
the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Vanessa Turner Maybank,
Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

December 20, 2017

Ordinance Amendment 3 :

Request approval to amend Ordinance No. 2017-060 that established a Temporary Moratorium on the acceptance or processing of applications for new construction on properties located in the 100 year floodplain within the Church Creek Drainage Basin for an additional period of six months.

BACKGROUND

City Council gave first reading approval to the attached ordinance amendment and referred it to Planning Commission for further recommendation. The ordinance extends the existing Church Creek Drainage Basin moratorium on certain development for a further six months.

This item will be presented in more detail during the December 20 meeting.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND ORDINANCE NO. 2017-060 THAT ESTABLISHED A TEMPORARY MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR NEW CONSTRUCTION ON PROPERTIES LOCATED IN THE 100 YEAR FLOODPLAIN WITHIN THE CHURCH CREEK DRAINAGE BASIN FOR AN ADDITIONAL PERIOD OF SIX MONTHS.

BE IT ORDAINED BY THE MAYOR AND COUNILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings: Ordinance No. 2017-060, ratified by City Council on May 30, 2017, established a temporary moratorium on the acceptance or processing of applications for new construction on properties located in the 100 year floodplain within the Church Creek Drainage Basin, except as noted in the Ordinance. The Ordinance provides that the temporary moratorium expires on a date that is nine (9) months from February 28, 2017. While the temporary moratorium has been in place, the City retained a consultant and commissioned a study of the drainage patterns and infrastructure in the Basin. The consultant is in the final stages of the study and has briefed Council on its findings to date. Part of the consultant's recommendations consists of the adoption of new policies regarding drainage in the Basin and the revision of some existing drainage and stormwater regulations and the implementation of new drainage and stormwater regulations. To allow adequate and appropriate time for the consultant's recommendations to be studied, drafted and implemented, City Council deems it necessary and in the interests of the public that the temporary moratorium be extended for an additional six months from the date of expiration of the current temporary moratorium, to wit: until May 31, 2018.

Section 2. Section 1, Part 6, Subpart 54-970 (E) of Ordinance No. 2017-060 is hereby amended to read as follows:

“E. Duration. The provisions of this Part 6 of Article 9 of the Zoning Ordinance shall expire on May 31, 2018.”

Section 3. In all other respects, the provisions of Ordinance No. 2017-060 are reaffirmed and remain in full force and effect.

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____
in the Year of Our Lord, 201__,
and in the ____th Year of the Independence of
the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

December 20, 2017

Ordinance Amendment 4 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to implement new regulations for Short Term Rental uses and Bed and Breakfast uses in the City of Charleston.

BACKGROUND

This item will be presented in detail during the December 20 meeting.

STAFF RECOMMENDATION

TO BE DISCUSSED DURING THE MEETING

Proposed New Regulations for Short-Term Rental in the City of Charleston (As of 12/15/2017)

Except for a very small area of the city, **short-term renting** (less than 30 consecutive days) **of any kind is currently illegal**. The Short-Term Rental Task Force's proposal, as adapted by the Planning Commission, would modernize our ordinances by expanding the areas of the city eligible for such rentals, while placing thoughtful, consistent, and reasonable restrictions (rooted in the historic nature of Charleston) on that use. Two main types of Short-Term Rentals (STRs) are proposed, Residential and Commercial. **All STRs would be required to obtain and annually renew a permit, and follow all City of Charleston regulations. Existing fully-permitted, legally operating Bed and Breakfasts will be allowed to continue to operate under current regulations.**

Commercial STRs

Within the Cannonborough and Elliotborough neighborhoods, whose boundaries correspond with the Short Term Overlay Zone, Commercial STRs are currently allowed under certain conditions. **The Short-Term Rental Task Force made no recommendation to change these rules. Bed and Breakfast regulations that currently apply in this Overlay Zone would continue to apply.**

Residential STRs

Common Requirements

- In order to prevent investors from purchasing houses and turning them into hotels, or causing the kind of neighborhood hollowing and profound housing shortages which have occurred in other heavily-touristed locales, properties would have to be owner-occupied primary residences to be eligible for a Short-Term Rental. **This is determined by the 4% owner occupied property tax status.**
- With approval of the Zoning Administrator after meeting certain conditions, an owner could obtain a permit to allow a Manager to operate the STR on his or her property without the owner's physical presence **for up to 72 rental nights per year.**
- In order to help mitigate many livability concerns associated with this use, the occupancy of each short term rental unit would be limited to **no more than two people per permitted bedroom.**
- In order to ensure the enforceability and effectiveness of the ordinance, and protect public health, there would also be several additional process, permitting, safety, and enforcement requirements.

Class Specific Requirements

- **Parking:** *All required parking must be provided on the property where the STR is proposed to be located and all required STR spaces cannot be parked in tandem with spaces required for the primary residential use.*
 - Class 1 and Class 2 STRs would be required to provide **one parking space per rental bedroom**. The second bedroom rented would be exempt from that requirement.
 - Class 3 STRs would have to provide **one space per rental bedroom, but the first bedroom rented would be exempted from that requirement.**
- **Property Eligibility**
 - Class 1 STRs would be located in the **Old and Historic District**. To be eligible for a Class 1 STR permit, the building would have to be **individually listed on the National Register of Historic Places**.
 - Class 2 STRs would be located within the **Old City District, but outside the existing Short-Term Rental Overlay Zone.**
 - Class 3 STRs would be located in **all other areas of the city.**

The Task Force made additional recommendations relating to enforcement of the existing STR ordinances and to the existing Accommodations Overlay which will be taken up separately. **No changes in City of Charleston ordinances have been made yet. Any change requires a review by the Planning Commission and approval by City Council.**

Proposed STR and Bed and Breakfast Regulations – Planning Commission Recommendation
Changes shown are changes to Regulations recommended by the STR Task Force

12/13/2017

New or Revised Definitions

Bed and Breakfast. A conditional use whereby the record owner of a property, who is also the Resident of the property, uses one (1) or more rooms per unit for one (1) to ten (10) bed and breakfast units for the purpose of providing sleeping accommodations for one family per unit for a period of between one (1) and twenty-nine (29) consecutive days. A Bed and Breakfast use shall only be permitted in compliance with the procedures and conditions in Section 54-227 of the Zoning Ordinance and after a Bed and Breakfast Permit is issued by the City.

Commercial Short Term Rental. See definition for **Short Term Rental, Commercial**.

Managed Short Term Rental. See definition for **Short Term Rental, Managed**.

Resident. For purposes of this Chapter 54 of the Code of the City of Charleston, except for Section 54-211, the term “Resident” shall mean the record owner of the property who (1) physically resides at the subject property at least 183 days each year and (2) has designated the subject property as his/her legal voting address and the address of his/her driver’s license. In addition, the subject property must be assessed at the four percent homeowner’s assessment ratio according to the records of the county Assessor’s Office. A single or dual member limited liability company (LLC) may qualify as a Resident of the subject property provided the member(s) provide(s) with the application for an STR Permit a sworn statement attesting that (s)he or they are the sole members of the LLC. The sole member(s) must also designate the subject property as his/their legal voting address and address of his/their driver’s license, the subject property must be assessed at the four percent homeowner’s assessment ratio according to the records of the county Assessor’s Office, and the member(s) shall physically reside at the subject property at least 183 days each year.

Residential Short Term Rental. See definition for **Short Term Rental, Residential**.

Short Term Rental or STR. A conditional use to provide sleeping accommodations for a period of between one (1) and twenty-nine (29) consecutive days. This use is further defined in this section as either a Commercial Short Term Rental use or a Residential Short Term Rental use with different permitting and operational requirements for each type of Short Term Rental use.

Short Term Rental, Commercial. A Commercial Short Term Rental is a conditional use whereby a conforming or legal nonconforming dwelling unit is converted into a fully-functioning, private accommodations use, which includes cooking, living, sanitary and sleeping facilities within one dwelling unit, to be rented to one (1) Family for a period of between one (1) and twenty-nine (29) consecutive days. A Commercial Short Term Rental shall only be permitted as a conditional use when a conforming or legal nonconforming dwelling unit is converted to such use in

compliance with the procedures and conditions in Section 54-227 of the Zoning Ordinance and after a Commercial STR Permit is issued by the City.

Short Term Rental, Residential. A Residential Short Term Rental is a conditional use whereby the record owner of a property, who is also a Resident of the property, uses one (1) or more rooms on the property for the purpose of providing sleeping accommodations for no more than ~~four adults (18 years and older)~~two (2) people per bedroom for a period of between one (1) and twenty-nine (29) consecutive days. A Residential Short Term Rental shall only be permitted in compliance with the procedures and conditions in Section 54-208.1, 54-208.2 or 54-208.3 of the Zoning Ordinance and after a Class 1, Class 2, or Class 3 Residential STR Permit is issued by the City.

Short Term Rental, Managed. A type of Residential Short Term Rental that may be permitted in conjunction with a Class 1, Class 2 or Class 3 Residential STR Permit pursuant to the regulations in Section 54-208.4.

STR Permit. A Class 1, Class 2, or Class 3 Residential STR Permit, Managed STR Permit, or Commercial STR Permit issued by the City upon approval of a new application, change of ownership or annual renewal. Each Short Term Rental Permit shall include a permit number, the maximum number of guests permitted during a rental and an expiration date.

Proposed Regulations for Residential Short Term Rentals

Sec. 54-208. The following provisions shall apply to all Residential Short Term Rentals ("STR").

- a. General Requirements. A Residential Short Term Rental use may be permitted as a Class 1, Class 2, or Class 3 STR Permit, if the zoning administrator determines the STR to be an accessory use to the principal residential use on a property which satisfies the requirements of Sec. 54-208.1, 54-208.2, or 54-208.3, as applicable, and issues a permit for such STR use. Each Residential Short Term Rental may also be permitted to operate as a Managed Short Term Rental, if the zoning administrator determines the STR satisfies the requirements of Sec. 54-208.4, as applicable, and issues a permit for such STR use.
- b. Operational Requirements. In all cases, Class 1, 2 or 3 STR uses shall adhere to the following operational requirements:
 1. The Residential STR shall be operated by the record owner of the subject property who shall also be a Resident of the subject property and who shall be residing overnight on the property while Residential STR guests are present; and
 2. The property shall not contain signs advertising the STR use; and
 3. If meals are served by the Resident owner, no meals other than breakfast may be served to the paying guests; and

4. The record owner of the subject property must keep in full force and effect during all times the STR is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence; and
5. The Resident owner shall keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guests; and
6. The Resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina; and
7. The Resident owner shall provide a rental packet containing applicable city rules and restrictions specified in the Residential STR Permit application materials, as well as pertinent unit safety information and contact information to guests when they book the STR and shall prominently display the STR Permit, rules, safety and contact information within the STR; and
8. Each Class 1, 2, or 3 STR permittee is entitled to rent, list with a booking or listing service, advertise, make available for STR use, or otherwise market only one (1) STR unit; and
9. The Resident owner and the owner's agent shall list the Residential STR Permit number on all advertisements, listings with booking services, and marketing materials, including without limitation, Airbnb, VRBO/Homeaway, FlipKey, and any other online websites and listing or booking platforms or services.
10. The Residential STR shall not be expanded in any respect beyond the specific rooms which were designated as part of a Residential STR unit on plans relied upon by the city in approving a Residential STR Permit or beyond the maximum number of guests listed on the Residential STR Permit, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.

c. Application procedure.

1. New Applications. Applications for new Class 1, 2 or 3 STR Permits shall be notarized and include the following:
 - (a) the location and name of the record owner of the property; and
 - (b) an application fee; and
 - (c) floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by STR guests, and the specific room or rooms to be used by guests for sleeping; and

- (d) a site plan of the lot showing the location of the proposed Residential STR unit and the required off-street parking spaces and driveways; and
- (e) a photograph or photographs of the current principal view or views of the structure where the Residential STR unit is to be located; and
- (f) a statement which the Resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section and the applicable Section for the class of permit requested.

Upon receiving a complete application and prior to the issuance of a new STR Permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed STR use is to be located for fifteen (15) consecutive calendar days, advising that the Resident-owner of the property has applied for a zoning permit to establish a STR use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth in this Section. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements for the STR use requested, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the STR Permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the STR Permit to be stayed pending resolution of the appeal.

2. Renewal Applications:

(a) For renewal of an STR Permit, a property owner shall be required to recertify compliance with this Section for the STR use with the zoning administrator. An application for annual recertification of the STR Permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.

(b) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted STR use upon said property, the new property owner shall be required to recertify compliance with this Section for the STR use and submit plans reaffirming the specific room or rooms to be used for the STR unit with the zoning administrator. An application for recertification of the STR use must include the required plans and be notarized, filed with, and approved by the zoning administrator prior to the STR use by the new property owner.

3. On an annual basis the zoning administrator shall determine whether each STR use permitted under this Section remains in compliance with all the terms of this

ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the property which is used for the STR use for reasonable site inspections.

- d. Existing approved bed and breakfast uses. All approved, legal bed and breakfast uses that are operating on the effective date of this ordinance or that are entitled to be in operation on the effective date of this ordinance on properties outside the Short Term Overlay Zone shall be issued a Class 1 or Class 2 STR Permit, depending on their location. Such previously approved uses shall adhere to the requirements of the Zoning Ordinance in effect prior to (date of the ratification of this ordinance).
- e. Violations and penalties.
 - 1. Violations. It shall be a violation of this Chapter to:
 - (a) operate a Class 1, 2 or 3 STR use, a Bed and Breakfast use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston; or
 - (b) expand an STR use or Bed and Breakfast use without obtaining a new permit; or
 - (c) advertise a property as being available for an STR use, Bed and Breakfast use or other accommodations use without first complying with the requirements of this Chapter; or
 - (d) represent or submit for advertising or marketing, or to otherwise hold out an STR unit, Bed and Breakfast unit or other accommodations unit as being available for use or occupancy unless the STR or Bed and Breakfast has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to represent, advertise, market or otherwise hold out the property as available for STR or Bed and Breakfast use or occupancy; or
 - (e) represent or submit for advertising or marketing, or otherwise to hold out the availability of a STR or Bed and Breakfast for use or occupancy by more than the number of occupants that are permitted pursuant to this Chapter; or
 - (f) represent or submit for advertising, or marketing, or to otherwise hold out more STR or Bed and Breakfast units or other accommodations type units on a property than are permitted pursuant to this Chapter.
 - 2. Penalties. A violation of this Chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Chapter continues is

considered a separate offense. Any violation of this Chapter entitles the zoning administrator to revoke the STR or Bed and Breakfast permit.

Should the STR or Bed and Breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Chapter shall be revoked.

Sec. 54-208.1 - Requirements for a Class 1 Short Term Rental, STR Permit for properties within the Old and Historic District.

- a. An STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the Old and Historic District, where the zoning administrator, after reviewing an STR Permit application, finds that the following requirements are met:
 1. The property shall not contain more than one (1) STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to by up to two (2) people per bedroom~~four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older;~~ and
 2. The subject property shall be located entirely within the Old and Historic District; and
 3. The STR shall be operated by the record owner of the subject property who is a Resident of the subject property; and
 4. The STR shall be subordinate and incidental to the principal residential use of the property; and
 5. The STR shall provide one (1) off street, maneuverable parking space on the subject property for the first two (2) bedrooms, and one (1) additional maneuverable parking space on the subject property for each additional bedroom, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space(s) provided for the STR shall not be situated ~~so that it is~~ in tandem with the required spaces for other uses; and
 6. The STR unit shall be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places; and
 7. The STR unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application; and
 8. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and

9. The STR use shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
10. The STR use shall be located on a lot which complies with the required minimum lot area for existing uses as specified under Table 3.1: Height, Area and Setback Regulations (applicable to SR and STR residential districts only); and
11. The STR use shall be located on a lot which has at least 40 feet of frontage on a public right-of-way (applicable to SR and STR residential districts only); and
12. The applicant for the STR use shall not be someone who has had an STR Permit revoked within the previous twenty-four (24) months.

Sec. 54-208.2. Requirements for a Class 2 Short Term Rental, STR Permit for properties located within the Old City District and outside the ST Overlay Zone.

- a. An STR use may be established in a dwelling unit as an accessory use to the principal residential use, on any property not located in the Old and Historic District and located entirely within the Old City District, where the zoning administrator, after reviewing an STR application, finds that the following requirements are met:
 1. The property shall not contain more than one (1) STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to by up to two (2) people per bedroom~~four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older;~~ and
 2. The subject property shall be located entirely within the Old City District and not within the ST Overlay Zone or the Old and Historic District; and
 3. The STR use shall be operated by the record owner of the subject property who shall also be qualified as a Resident of the subject property; and
 4. The STR unit shall be located within a building constructed 50 or more years ago; and
 5. The STR shall provide one (1) off street, maneuverable parking space on the subject property for the first two (2) bedrooms, and one (1) additional maneuverable parking space on the subject property for each additional bedroom, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space(s) provided for the STR shall not be situated ~~so that it is~~ in tandem with the required spaces for other uses; and
 6. The STR shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and

7. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
8. The applicant for the STR use shall not be someone who has had an STR permit revoked within the previous twenty-four (24) months.

Sec. 54-208.3. – Requirements for a Class 3 Short Term Rental, STR Permit for properties in all areas of the City except the Old and Historic District, the Old City District and the ST Overlay Zone.

- a. A Class 3 STR use may be established in a dwelling unit as an accessory to the principal residential use where the zoning administrator, after reviewing an STR application, finds that the following requirements are met:
 1. The subject property shall be located entirely outside the Old and Historic District, outside the Old City District and outside the ST Overlay Zone; and
 2. The number of STR guests on the property shall not exceed ~~four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older~~two (2) people per bedroom; and
 3. The size and character of the STR use must be subordinate and incidental to the principal residential use of the property; and
 4. The STR shall be operated by the record owner of the subject property who shall also be qualified as a Resident of the subject property; and
 5. The STR unit shall be located within a building constructed 50 or more years ago; and
 6. The property shall provide the required number of maneuverable, off-street parking spaces for existing uses on the property. Additional off-street parking shall not be required for an STR use that does not include more than one (1) bedroom. If the STR use includes more than one (1) bedroom, the STR use shall provide one (1) off street, maneuverable parking space on the subject property for each additional bedroom, plus, required off street parking spaces on the subject property for existing uses on the property; and
 7. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
 8. The applicant for the STR use shall not be someone who has had an STR permit revoked within the previous twenty-four (24) months.

Section 54-208.4. Requirements for a Managed Short Term Rental, STR Permit for properties with a Class 1, Class 2, or Class 3 STR permit.

a. General Requirements. A Residential Short Term Rental use with a Class 1, Class 2, or Class 3 STR Permit may also be permitted to operate as a Managed Short Term Rental for up to 72 nights each year, if the zoning administrator, after reviewing an application for a Managed STR, finds that the application meets the requirements of this section, and issues a permit for such Managed STR use.

1. The property shall not contain more than one Managed STR unit, which shall be within the same dwelling unit approved for the Class 1, Class 2, or Class 3 STR Permit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to two (2) people per bedroom; and
2. The Managed STR shall provide one (1) off street, maneuverable parking space on the subject property for the first two (2) bedrooms, and one (1) additional maneuverable parking space on the subject property for each additional bedroom, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space(s) provided for the Managed STR shall not be situated in tandem with the spaces required for other uses; and
3. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
4. The applicant for the STR use shall not be someone who has had an STR permit revoked within the previous twenty-four (24) months.

b. Operational Requirements. In all cases, Managed STR uses shall adhere to the following operational requirements while being operated as a Managed STR:

1. The Managed STR shall be managed by the record owner of the subject property who shall also be a Resident of the subject property, or a person who holds a valid Property Management License from the State of South Carolina who shall be designated by the record owner to operate the STR on the owner's behalf when the owner is not residing overnight at the subject property; and
2. Such property shall not operate as a Managed STR for more than 72 nights in the year the permit for the Managed STR is valid; and
3. Guests are restricted to occupying only the rooms that are designated within a dwelling on the approved permit for the Managed STR; and
4. The property shall not contain signs advertising the STR use; and

5. No meals may be served to the paying guests by the manager; and
6. Such manager shall not be required to reside overnight at the subject property while managing the Managed STR; and
7. Such manager shall, at all times while managing a Managed STR, be available to respond to local or State public safety officers or other City officials within one hour of receiving notice from a public safety officer or City official, appear at the Managed STR to answer any complaint; and
8. The Resident owner of the subject property must keep in full force and effect during all times the STR is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence; and
9. Such manager shall keep a current guest register that includes all dates a property was operated as a Managed STR and the names, addresses, telephone numbers and dates of occupancy of all guests; and
10. The Resident owner of the property shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina; and
11. The owner or manager shall provide a rental packet containing applicable city rules and restrictions specified in the Managed STR Permit application materials, as well as pertinent unit safety information and contact information to guests when they book the STR and shall prominently display the STR Permit, rules, safety and contact information within the STR and such manager shall cause his or her name and telephone number to be posted on the subject property in a manner visible and legible from the street; and
12. Each Managed STR permittee is entitled to rent, list with a booking or listing service, advertise, make available for STR use, or otherwise market only one (1) STR unit; and
13. The Resident owner and the owner's agent shall list the Managed STR Permit number on all advertisements, listings with booking services, and marketing materials, including without limitation, Airbnb, VRBO/Homeaway, FlipKey, and any other online websites and listing or booking platforms or services.
14. The STR shall not be expanded in any respect beyond the specific rooms which were designated as part of a Managed STR unit on plans relied upon by the city in approving a Managed STR Permit or beyond the maximum number of guests listed on the Managed STR Permit, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.

c. Application procedure.

1. New Applications. Applications for new Managed STR permits shall be notarized and include the following:
 - (a) the location and name of the record owner of the property; and
 - (b) an application fee; and
 - (c) floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by Managed STR guests, and the specific room or rooms to be used by guests for sleeping; and
 - (d) a site plan of the lot drawn to scale showing the location of the proposed STR unit and the required off-street parking spaces and driveways; and
 - (e) the location and name and contact information of the manager of the Managed STR; and
 - (f) a statement which the Resident-owner and the manager must sign acknowledging that they have reviewed and understand the requirements of this Section.

Upon receiving a complete application and prior to the issuance of a new Managed STR permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed Managed STR use is to be located for fifteen (15) consecutive calendar days, advising that the Resident-owner of the property has applied for a zoning permit to establish a Managed STR use at the location and supplying a phone number to call both the Manager and the Zoning Division or its successors for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth in this Section. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements for the Managed STR use requested, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the Managed STR permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the STR permit to be stayed pending resolution of the appeal.

2. Annual Renewal.

- (a) For renewal of a Managed STR permit, a property owner and Manager shall be required to recertify compliance with this Section for the STR use with the zoning administrator. An application for renewal of the Managed STR permit must include the

application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, the Manager's record of nights he or she managed the STR in the previous year or the property owner's copy of such record if a new Manager is to be appointed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.

(b) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted Managed STR use upon said property, the new property owner shall be required to recertify compliance with the applicable Residential STR Section and this Section and submit plans reaffirming the appointment of the Manager for the Managed STR unit with the zoning administrator. An application for recertification of the Managed STR use must include the required plans and be notarized, filed with, and approved by the zoning administrator prior to the STR use by the new property owner.

3. On an annual basis, the zoning administrator shall determine whether each Managed STR use permitted under this Section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All property owners and Managers of Managed STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the property which is used for the STR use for reasonable site inspections.

e. Violations and penalties.

1. Violations. It shall be a violation of this Section to:

(a) operate a Managed STR use without complying with the requirements of this Section and the Code of the City of Charleston; or

(b) expand a Managed STR without obtaining a new permit; or

(c) advertise a property as being available for a Managed STR use without first complying with the requirements of this Section; or

(d) represent oneself as a manager of a Managed STR without first complying with the requirements of this Section; or

(e) operate or manage a Managed STR for more than 72 nights of rental during the year in which the Managed STR permit is valid; or

(f) fail to post the name and telephone number of the manager in a manner visible and legible from the street while the property is being managed.

2. Penalties. A violation of this Section is a misdemeanor punishable by a fine and/or incarceration. Owner and manager are both individually liable for a violation by the other. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Section continues is considered a separate offense. Any violation of this Section entitles the zoning administrator to revoke both the Managed STR permit and the STR permit.

Should the STR or Bed and Breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Section shall be revoked.

Proposed Regulations for Commercial Short Term Rentals and Bed and Breakfasts

Sec. 54-227. - Short Term Rental, ST Overlay Zone. *(These regulations are almost identical to the existing STR and B&B regulations in the ST Overlay Zone. There are some revisions to existing STR regulations to clarify the original intent. We are keeping the “Bed and Breakfast” term because this use, although operated by a resident-owner, has operational and permitting requirements that are different from residential STRs. Enforcement language has been revised)*

- a. Intent. The Short Term Rental, ST Overlay Zone is intended to identify those areas within the City limits where Commercial Short Term Rental uses and Bed and Breakfast uses, as herein defined, are allowed as a conditional use. Commercial Short Term Rentals are prohibited except on commercially zoned properties within the ST Overlay Zone. Bed and Breakfast uses are prohibited except on properties within the ST Overlay Zone. The City places a high value on the preservation of the character of its residential neighborhoods. Potential negative impacts affecting residential neighborhoods shall be avoided or minimized to the greatest extent possible.
- b. Commercial Short Term Rental Use.
 1. Accommodations Use. Subject to the conditions in Section 54-227, b. 2, a dwelling unit converted into a Commercial Short Term Rental may be rented to one (1) family for a period of between one (1) and twenty-nine (29) days; provided, however, only one (1) family at a time may occupy and use a dwelling unit converted into a commercial short term rental.

2. Conditions. A conforming or legal nonconforming dwelling unit may be converted into a Commercial Short Term Rental only when all of the following conditions are satisfied, as evidenced by an application, a site plan, and floor plans:
- (a) The lot is located entirely within one or more of the following base zoning districts: CT, LB, GB, UC, MU-1, MU-1/WH, MU-2, or MU-2/WH; and
 - (b) The lot is located entirely within the Short Term, ST Overlay Zone, as shown on the Zoning Map; and
 - (c) The dwelling unit being converted to a Commercial Short Term Rental is not designated as an affordable housing unit or a workforce housing unit; and
 - (d) The owner of the dwelling unit being converted into a Commercial Short Term Rental complies with all business license and revenue collections laws of the City of Charleston, Charleston County and the State of South Carolina; and
 - (e) Any commercial uses on the lot must be completely separate and independent operations, unrelated to the Commercial Short Term Rental; and
 - (f) There are no common areas or other areas serving more than one dwelling unit and/or Commercial Short Term Rental on the lot, except driveways; and
 - (g) There are no exterior signs for the Commercial Short Term Rental use of the lot; and
 - (h) Existing parking spaces on the lot, if any, that satisfy the off-street parking requirements of this Chapter for the existing dwelling units being converted to Short Term Rentals and all other uses on the lot shall be shown on the site plan submitted with the application. No additional parking spaces shall be required for the dwelling units being converted to Short Term Rentals; and
 - (i) No more than nine (9) dwelling units may be converted to short term rentals on any one (1) lot. Ten (10) or more short term rental units on one (1) lot shall require approval as an accommodations use pursuant to Section 54-220 of the Zoning Ordinance. This provision shall not be interpreted to permit an increase in the maximum density permitted under the base zoning district for dwelling units on the lot; and

3. Except as expressly stated otherwise in this Section 54-227, a dwelling unit converted into a Commercial Short Term Rental shall continue to be subject to the regulations for such a dwelling unit in the base zoning district, including without limitation the site regulations in Article 3 of the Zoning Ordinance.
4. Impact on Nonconforming Uses. For the purposes of applying Section 54-110 concerning nonconforming uses, a Commercial Short Term Rental is considered a continuation of the nonconforming use of a legal nonconforming dwelling unit.
5. Prohibition on Construction of Commercial Short Term Rentals. Nothing in this Section 54-227 shall be construed to permit a property owner to construct a Commercial Short Term Rental. A property owner seeking a conditional use for a Commercial Short Term Rental must construct a dwelling unit in accordance with applicable standards for the dwelling unit under the base zoning district for the subject property and then apply for the conversion of the conforming dwelling unit to a Commercial Short Term Rental use.
6. Approved short term rentals within the ST Overlay Zone. All STR uses within the ST Overlay Zone that have City approval to operate on the effective date of this ordinance shall be issued a Commercial STR Permit, which shall be valid for one (1) year from the date of issuance and shall be renewable annually unless revoked. Permit holders shall adhere to the requirements of this Chapter.
7. New short term rentals within the ST Overlay Zone, permit. New STR uses within the ST Overlay Zone that receive City approval to operate shall be issued a Commercial STR Permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Permit holders shall adhere to the requirements of this Chapter.
8. Annual Renewal. For renewal of a Commercial STR Permit, a property owner shall be required to recertify compliance with this Section with the zoning administrator. An application for annual recertification of the Commercial STR Permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.

c. Bed and Breakfast Use

1. Accessory Use. Subject to the conditions in Section 54-227, c., 2, a Bed and Breakfast use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the ST Overlay Zone, and each approved bed and breakfast unit may be rented to one (1) family for a period of between one (1) and twenty-nine (29) consecutive days.
2. Conditions: A Bed and Breakfast may be approved only when all of the following conditions are satisfied, as evidenced by an application, a site plan, and floor plans:
 - (a) The number of Bed and Breakfast units shall not exceed four (4) units; except that a lot may have between four (4) and ten (10) bed and breakfast units if the total square footage of conditioned floor area in the building or buildings containing the bed and breakfast units is equal to or greater than the sum of the number of bed and breakfast units multiplied by 560, and all other requirements of this section are met. Each unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping accommodations for one (1) family for a period of between one (1) and twenty-nine (29) consecutive days; and
 - (b) The subject property is located entirely within the ST Overlay Zone; and
 - (c) The Bed and Breakfast shall be operated by the record owner of the subject property who also resides at the subject property at least 183 days each year; and
 - (d) The principal building on the property on which the Bed and Breakfast use will be located shall have been constructed 50 or more years ago although the Bed and Breakfast unit(s) may be located in a building that was not constructed 50 or more years ago; and
 - (e) Bed and Breakfast unit(s) located in buildings constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each two (2) Bed and Breakfast units, or fraction thereof. Bed and Breakfast unit(s) located in buildings not constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each Bed and Breakfast unit. Spaces required for the Bed and Breakfast unit(s) shall be in addition to providing, on the subject property, required off street parking for existing uses on the property; and

- (f) The property shall be permitted to have one sign advertising the Bed and Breakfast. The permitted sign may have a maximum of two sides and no side shall exceed four (4) square feet in total sign face area; and
 - (g) The Bed and Breakfast shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
 - (h) The Bed and Breakfast shall be operated by someone who has not had a bed and breakfast permit revoked within the previous twelve (12) months.
3. Operational requirements. In all cases, Bed and Breakfast use shall meet the following operational requirements:
- (a) No meals other than breakfast may be served by the Resident owner to the paying guests.
 - (b) The Resident owner shall keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guests.
 - (c) The Resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina.
4. Application process.
- (a) New Applications for Bed and Breakfast uses shall be notarized and include the location of the property and Resident owner of record of the property, an application fee, floor plans drawn to scale of the habitable structures on the property, a site plan of the lot showing the location of the proposed Bed and Breakfast units, the location of any existing Bed and Breakfast units, and the location of the required off-street parking spaces and driveways, and photographs of the current principal views of the structure where the proposed Bed and Breakfast units are to be located. The floor plans shall clearly note all rooms to be used by Bed and Breakfast guests, with the room or rooms to be used by Bed and Breakfast guests for sleeping designated. The application shall also include a statement which the Resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section.

Upon receiving a complete application and prior to the issuance of a zoning permit, the lot upon which the proposed use is to be located shall be posted for fifteen (15) consecutive days, advising that the Resident-owner of the property has applied for a zoning permit to establish a Bed and Breakfast use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the zoning permit, which shall be valid for one (1) year from the date of issuance and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

(b.) Renewal Application.

(1) For renewal of a Bed and Breakfast permit, a property owner shall be required to recertify compliance with this Section with the zoning administrator. An application for annual recertification of the Bed and Breakfast permit must include the application fee, an affirmation by the applicant that the nature of the Bed and Breakfast use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the Bed and Breakfast use. *(new annual renewal policy)*

(2) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted Bed and Breakfast use upon said property, the new property owner shall be required to recertify compliance of the Bed and Breakfast use with the zoning administrator by having an application for recertification of the Bed and Breakfast use notarized, filed with, and approved by the zoning administrator.

5. The Bed and Breakfast use shall not be expanded in any respect throughout the structure or structures, or elsewhere on the property nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.

6. All operators of Bed and Breakfast uses permitted under this section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for the Bed and Breakfast use for reasonable site inspections.
 7. Existing Approved and Bed and Breakfast uses. All approved, legal Bed and Breakfast uses that are operating on the effective date of this ordinance or that are entitled to be in operation on the effective date of this ordinance shall be issued a Bed and Breakfast Permit which shall be valid for one (1) year of issuance and shall be renewable annually unless revoked and shall adhere to the requirements of this Chapter.
- d. Violations and penalties.
1. Violations. It shall be a violation of this Chapter to:
 - (a) operate an STR use, a Bed and Breakfast use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston; or
 - (b) expand an STR use or Bed and Breakfast use without obtaining a new permit; or
 - (c) advertise a property as being available for an STR use, Bed and Breakfast use or other accommodations use without first complying with the requirements of this Chapter; or
 - (d) represent or submit for advertising or marketing, or to otherwise hold out an STR unit, Bed and Breakfast unit or other accommodations unit as being available for use or occupancy unless the STR or Bed and Breakfast has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to represent, advertise, market or otherwise hold out the property as available for STR or Bed and Breakfast use or occupancy; or
 - (e) represent or submit for advertising or marketing, or otherwise to hold out the availability of an STR or Bed and Breakfast for use or occupancy by more than the number of occupants that are permitted pursuant to this Chapter; or
 - (f) represent or submit for advertising, or marketing, or to otherwise hold out more STR or Bed and Breakfast units or other accommodations type units on a property than are permitted pursuant to this Chapter.
 2. Penalties. A violation of this Chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Chapter continues is considered

a separate offense. Any violation of this Chapter entitles the zoning administrator to revoke the STR or Bed and Breakfast permit.

Should the STR or Bed and Breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Chapter shall be revoked.

AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO IMPLEMENT NEW REGULATIONS FOR SHORT TERM RENTAL USES AND BED AND BREAKFAST USES IN THE CITY OF CHARLESTON

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings. City Council finds that attendant to the sharing economy that is being nationally embraced is a growing trend by the public to provide accommodations in their homes to travelers.¹ City Council finds the provision of such type of accommodations can be beneficial under certain circumstances and if properly regulated, as short term rentals provide a means² to assist property owners to keep properties in good order and repair which, in turn, assists in stabilizing home ownership, maintaining property values and strengthening the economy of the City. This is particularly so as applied to older homes, as the preservation of these homes is in keeping with the City's preservation goals, which by virtue of their age often require more frequent maintenance.

City Council is mindful of the importance of maintaining the residential character of City neighborhoods. Absent appropriate controls on the number and manner and places of operation of short term rentals, neighborhoods stand to be harmed by undue commercialization and disruption³ to the primary and overarching purpose of a neighborhood

¹ "boasting two million listings worldwide, ...[Airbnb] had just 50,000 listings in 2011" Barber, Megan. "Airbnb vs. the city." Curbed, November 10, 2016. <https://www.curbed.com/2016/11/10/13582982/airbnb-laws-us-cities>

² "The average short-term rental will generate \$20,000 to \$30,000 per year in rent" Stephens, Rob. "Short-term rentals may bring long-term tax problems." Accounting Today, August 1, 2017. Accessed December 13, 2017. <https://www.accountingtoday.com/opinion/short-term-rentals-may-bring-long-term-tax-problems>.

³ Vanderbilt, Tom. "Did Airbnb Kill the Mountain Town." Outside, July 11, 2017.

being first and foremost a residential community, where people actually live, not a place of transient occupancy. City Council finds that access to housing is not the same as access to homeownership, and reductions in supply of housing available for standard rental by residents of the city is likely to have a destabilizing effect on communities.⁴ City Council is also mindful of the differing built environments of City neighborhoods. By way of example, the neighborhoods of the Old and Historic District are generally denser, have narrower streets and limited off-street parking and are more impacted by commerce and tourists than other neighborhoods of the City, circumstances that require consideration if the residential character of these neighborhoods is to be protected. Moreover, while City Council is mindful of its proud tradition of historic preservation, it is also mindful of the additional obligations devolved on property owners resulting from responsible preservation regulations.

In November 2016, City Council established a short term rental task force to study the issue of the propriety of short term rentals in the City and to make recommendations to the Council with respect thereto. These recommendations were received, reviewed, and amended by the Planning Commission. City Council has received and reviewed the recommendations of the task force as amended by the Planning Commission and finds that the recommendations strike an appropriate balance among the neighborhoods of the City by recognizing the different characteristics of the neighborhoods and their respective built environments, by encouraging and strengthening opportunities for historic preservation by providing a means of assisting

<https://www.outsideonline.com/2198726/did-airbnb-kill-mountain-town>

⁴ "If, on the contrary, the quantity brought to market should at any time fall short of the effectual demand, some of the component parts of its price must rise above their natural rate." Smith, Adam. *The Wealth of Nations*. Vol. 1. 2 vols. London: W. Strahan and T. Cadell, 1776. Accessed via Google Books.

owners of older homes upkeep their property, and significantly, by maintaining the residential character of neighborhoods by requiring that short term rentals be operated from owner-occupied homes, thus curbing the potential of the neighborhoods to become solely a place for transients.

Section 2. Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning

Ordinance) is hereby amended by deleting the definition “Bed and Breakfast” and “Short Term Rental” in their entirety and substituting in their place and stead the following:

Bed and Breakfast. A conditional use whereby the record owner of a property, who is also the Resident of the property, uses one (1) or more rooms per unit for one (1) to ten (10) bed and breakfast units for the purpose of providing sleeping accommodations for one family per unit for a period of between one (1) and twenty-nine (29) consecutive days. A Bed and Breakfast use shall only be permitted in compliance with the procedures and conditions in Section 54-227 of the Zoning Ordinance and after a Bed and Breakfast Permit is issued by the City.

Short Term Rental or STR. A conditional use to provide sleeping accommodations for a period of between one (1) and twenty-nine (29) consecutive days. This use is further defined in this section as either a Commercial Short Term Rental use or a Residential Short Term Rental use with different permitting and operational requirements for each type of Short Term Rental use.

Section 3. Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning

Ordinance) is hereby amended by inserting in alphabetical order the following new definitions:

Commercial Short Term Rental. See definition for **Short Term Rental, Commercial**.

Managed Short Term Rental. See definition for **Short Term Rental, Managed**.

Resident. For purposes of this Chapter 54 of the Code of the City of Charleston, except for Section 54-211, the term “Resident” shall mean the record owner of the property who (1) physically resides at the subject property at least 183 days each year and (2) has designated the subject property as his/her legal voting address and the address of his/her driver’s license. In addition, the subject property must be assessed at the four percent homeowner’s assessment ratio according to the records of the county Assessor’s Office. A single or dual member limited liability company (LLC) may qualify as a Resident of the subject property provided the

member(s) provide(s) with the application for an STR Permit a sworn statement attesting that (s)he or they are the sole members of the LLC. The sole member(s) must also designate the subject property as his/their legal voting address and address of his/their driver's license, the subject property must be assessed at the four percent homeowner's assessment ratio according to the records of the county Assessor's Office, and the member(s) shall physically reside at the subject property at least 183 days each year.

Residential Short Term Rental. See definition for **Short Term Rental, Residential**.

Short Term Rental, Commercial. A Commercial Short Term Rental is a conditional use whereby a conforming or legal nonconforming dwelling unit is converted into a fully-functioning, private accommodations use, which includes cooking, living, sanitary and sleeping facilities within one dwelling unit, to be rented to one (1) Family for a period of between one (1) and twenty-nine (29) consecutive days. A Commercial Short Term Rental shall only be permitted as a conditional use when a conforming or legal nonconforming dwelling unit is converted to such use in compliance with the procedures and conditions in Section 54-227 of the Zoning Ordinance and after a Commercial STR Permit is issued by the City.

Short Term Rental, Residential. A Residential Short Term Rental is a conditional use whereby the record owner of a property, who is also a Resident of the property, uses one (1) or more rooms on the property for the purpose of providing sleeping accommodations for no more than two (2) people per bedroom for a period of between one (1) and twenty-nine (29) consecutive days. A Residential Short Term Rental shall only be permitted in compliance with the procedures and conditions in Section 54-208.1, 54-208.2 or 54-208.3 of the Zoning Ordinance and after a Class 1, Class 2, or Class 3 Residential STR Permit is issued by the City.

Short Term Rental, Managed. A type of Residential Short Term Rental that may be permitted in conjunction with a Class 1, Class 2 or Class 3 Residential STR Permit pursuant to the regulations in Section 54-208.4.

STR Permit. A Class 1, Class 2, or Class 3 Residential STR Permit, Managed STR Permit, or Commercial STR Permit issued by the City upon approval of a new application, change of ownership or annual renewal. Each Short Term Rental Permit shall include a permit number, the maximum number of guests permitted during a rental and an expiration date.

Section 4. Sec. 54-202 of Chapter 54 of the Code of the City of Charleston (Zoning

Ordinance) is hereby amended by amending the wording of subsection h. to read as follows

(new text shown with underline):

Short Term Rental, ST Overlay Zone. The Short Term Overlay Zone is intended to permit Commercial Short Term Rentals, as defined herein, in specific base zoning districts within the ST Overlay Zone and Bed and Breakfasts, as defined herein, in all base zoning districts within the ST Overlay Zone.

Section 5. Sec. 54-203 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the words “bed and breakfasts” in their entirety and substituting in their place and stead, the words “Residential Short Term Rentals”.

Section 6. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance), is hereby amended by inserting “or 54-227, ST Overlay Zone” immediately after “See 54-220, Accommodations Overlay Zone” in the row for Principle Use Category 7043.

Section 7. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting Section 54-208 and Section 54-208.1 in their entirety and substituting in their place and stead the following new sections:

Sec. 54-208. The following provisions shall apply to all Residential Short Term Rentals (“STR”).

- a. General Requirements. A Residential Short Term Rental use may be permitted as a Class 1, Class 2, or Class 3 STR Permit, if the zoning administrator determines the STR to be an accessory use to the principal residential use on a property which satisfies the requirements of Sec. 54-208.1, 54-208.2, or 54-208.3, as applicable, and issues a permit for such STR use. Each Residential Short Term Rental may also be permitted to operate as a Managed Short Term Rental, if the zoning administrator determines the STR satisfies the requirements of Sec. 54-208.4, as applicable, and issues a permit for such STR use.
- b. Operational Requirements. In all cases, Class 1, 2 or 3 STR uses shall adhere to the following operational requirements:

1. The Residential STR shall be operated by the record owner of the subject property who shall also be a Resident of the subject property and who shall be residing overnight on the property while Residential STR guests are present; and
 2. The property shall not contain signs advertising the STR use; and
 3. If meals are served by the Resident owner, no meals other than breakfast may be served to the paying guests; and
 4. The record owner of the subject property must keep in full force and effect during all times the STR is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence; and
 5. The Resident owner shall keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guests; and
 6. The Resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina; and
 7. The Resident owner shall provide a rental packet containing applicable city rules and restrictions specified in the Residential STR Permit application materials, as well as pertinent unit safety information and contact information to guests when they book the STR and shall prominently display the STR Permit, rules, safety and contact information within the STR; and
 8. Each Class 1, 2, or 3 STR permittee is entitled to rent, list with a booking or listing service, advertise, make available for STR use, or otherwise market only one (1) STR unit; and
 9. The Resident owner and the owner's agent shall list the Residential STR Permit number on all advertisements, listings with booking services, and marketing materials, including without limitation, Airbnb, VRBO/Homeaway, FlipKey, and any other online websites and listing or booking platforms or services.
 10. The Residential STR shall not be expanded in any respect beyond the specific rooms which were designated as part of a Residential STR unit on plans relied upon by the city in approving a Residential STR Permit or beyond the maximum number of guests listed on the Residential STR Permit, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.
- c. Application procedure.
1. New Applications. Applications for new Class 1, 2 or 3 STR Permits shall be notarized and include the following:

- (a) the location and name of the record owner of the property; and
- (b) an application fee; and
- (c) floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by STR guests, and the specific room or rooms to be used by guests for sleeping; and
- (d) a site plan of the lot showing the location of the proposed Residential STR unit and the required off-street parking spaces and driveways; and
- (e) a photograph or photographs of the current principal view or views of the structure where the Residential STR unit is to be located; and
- (f) a statement which the Resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section and the applicable Section for the class of permit requested.

Upon receiving a complete application and prior to the issuance of a new STR Permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed STR use is to be located for fifteen (15) consecutive calendar days, advising that the Resident-owner of the property has applied for a zoning permit to establish a STR use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth in this Section. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements for the STR use requested, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the STR Permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the STR Permit to be stayed pending resolution of the appeal.

2. Renewal Applications:

- (a) For renewal of an STR Permit, a property owner shall be required to recertify compliance with this Section for the STR use with the zoning administrator. An application for annual recertification of the STR Permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.
- (b) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted STR use upon said property, the new property owner shall be required to recertify compliance with this

- Section for the STR use and submit plans reaffirming the specific room or rooms to be used for the STR unit with the zoning administrator. An application for recertification of the STR use must include the required plans and be notarized, filed with, and approved by the zoning administrator prior to the STR use by the new property owner.
3. On an annual basis the zoning administrator shall determine whether each STR use permitted under this Section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the property which is used for the STR use for reasonable site inspections.
 - d. Existing approved bed and breakfast uses. All approved, legal bed and breakfast uses that are operating on the effective date of this ordinance or that are entitled to be in operation on the effective date of this ordinance on properties outside the Short Term Overlay Zone shall be issued a Class 1 or Class 2 STR Permit, depending on their location. Such previously approved uses shall adhere to the requirements of the Zoning Ordinance in effect prior to (date of the ratification of this ordinance).
 - e. Violations and penalties.
 1. Violations. It shall be a violation of this Chapter to:
 - (a) operate a Class 1, 2 or 3 STR use, a Bed and Breakfast use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston; or
 - (b) expand an STR use or Bed and Breakfast use without obtaining a new permit; or
 - (c) advertise a property as being available for an STR use, Bed and Breakfast use or other accommodations use without first complying with the requirements of this Chapter; or
 - (d) represent or submit for advertising or marketing, or to otherwise hold out an STR unit, Bed and Breakfast unit or other accommodations unit as being available for use or occupancy unless the STR or Bed and Breakfast has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to represent, advertise, market or otherwise hold out the property as available for STR or Bed and Breakfast use or occupancy; or
 - (e) represent or submit for advertising or marketing, or otherwise to hold out the availability of a STR or Bed and Breakfast for use or occupancy by more than the number of occupants that are permitted pursuant to this Chapter; or

(f) represent or submit for advertising, or marketing, or to otherwise hold out more STR or Bed and Breakfast units or other accommodations type units on a property than are permitted pursuant to this Chapter.

2. Penalties. A violation of this Chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Chapter continues is considered a separate offense. Any violation of this Chapter entitles the zoning administrator to revoke the STR or Bed and Breakfast permit.

Should the STR or Bed and Breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Chapter shall be revoked.

Sec. 54-208.1 - Requirements for a Class 1 Short Term Rental, STR Permit for properties within the Old and Historic District.

- a. An STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the Old and Historic District, where the zoning administrator, after reviewing an STR Permit application, finds that the following requirements are met:
 1. The property shall not contain more than one (1) STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to by up to two (2) people per bedroom; and
 2. The subject property shall be located entirely within the Old and Historic District; and
 3. The STR shall be operated by the record owner of the subject property who is a Resident of the subject property; and
 4. The STR shall be subordinate and incidental to the principal residential use of the property; and
 5. The STR shall provide one (1) off street, maneuverable parking space on the subject property for the first two (2) bedrooms, and one (1) additional maneuverable parking space on the subject property for each additional bedroom, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space(s) provided for the STR shall not be situated in tandem with the required spaces for other uses; and
 6. The STR unit shall be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places; and

7. The STR unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application; and
8. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
9. The STR use shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
10. The STR use shall be located on a lot which complies with the required minimum lot area for existing uses as specified under Table 3.1: Height, Area and Setback Regulations (applicable to SR and STR residential districts only); and
11. The STR use shall be located on a lot which has at least 40 feet of frontage on a public right-of-way (applicable to SR and STR residential districts only); and
12. The applicant for the STR use shall not be someone who has had an STR Permit revoked within the previous twenty-four (24) months.

Sec. 54-208.2. Requirements for a Class 2 Short Term Rental, STR Permit for properties located within the Old City District and outside the ST Overlay Zone.

- a. An STR use may be established in a dwelling unit as an accessory use to the principal residential use, on any property not located in the Old and Historic District and located entirely within the Old City District, where the zoning administrator, after reviewing an STR application, finds that the following requirements are met:
 1. The property shall not contain more than one (1) STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to by up to two (2) people per bedroom; and
 2. The subject property shall be located entirely within the Old City District and not within the ST Overlay Zone or the Old and Historic District; and
 3. The STR use shall be operated by the record owner of the subject property who shall also be qualified as a Resident of the subject property; and
 4. The STR unit shall be located within a building constructed 50 or more years ago; and
 5. The STR shall provide one (1) off street, maneuverable parking space on the subject property for the first two (2) bedrooms, and one (1) additional maneuverable parking space on the subject property for each additional bedroom, in addition to providing, on the subject property, required off street parking for existing uses on the property. The

parking space(s) provided for the STR shall not be situated in tandem with the required spaces for other uses; and

6. The STR shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
7. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
8. The applicant for the STR use shall not be someone who has had an STR permit revoked within the previous twenty-four (24) months.

Sec. 54-208.3. – Requirements for a Class 3 Short Term Rental, STR Permit for properties in all areas of the City except the Old and Historic District, the Old City District and the ST Overlay Zone.

- a. A Class 3 STR use may be established in a dwelling unit as an accessory to the principal residential use where the zoning administrator, after reviewing an STR application, finds that the following requirements are met:
 1. The subject property shall be located entirely outside the Old and Historic District, outside the Old City District and outside the ST Overlay Zone; and
 2. The number of STR guests on the property shall not exceed two (2) people per bedroom; and
 3. The size and character of the STR use must be subordinate and incidental to the principal residential use of the property; and
 4. The STR shall be operated by the record owner of the subject property who shall also be qualified as a Resident of the subject property; and
 5. The STR unit shall be located within a building constructed 50 or more years ago; and
 6. The property shall provide the required number of maneuverable, off-street parking spaces for existing uses on the property. Additional off-street parking shall not be required for an STR use that does not include more than one (1) bedroom. If the STR use includes more than one (1) bedroom, the STR use shall provide one (1) off street, maneuverable parking space on the subject property for each additional bedroom, plus, required off street parking spaces on the subject property for existing uses on the property; and
 7. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and

8. The applicant for the STR use shall not be someone who has had an STR permit revoked within the previous twenty-four (24) months.

Section 54-208.4. Requirements for a Managed Short Term Rental, STR Permit for properties with a Class 1, Class 2, or Class 3 STR permit.

- a. General Requirements. A Residential Short Term Rental use with a Class 1, Class 2, or Class 3 STR Permit may also be permitted to operate as a Managed Short Term Rental for up to 72 nights each year, if the zoning administrator, after reviewing an application for a Managed STR, finds that the application meets the requirements of this section, and issues a permit for such Managed STR use.
 1. The property shall not contain more than one Managed STR unit, which shall be within the same dwelling unit approved for the Class 1, Class 2, or Class 3 STR Permit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to two (2) people per bedroom; and
 2. The Managed STR shall provide one (1) off street, maneuverable parking space on the subject property for the first two (2) bedrooms, and one (1) additional maneuverable parking space on the subject property for each additional bedroom, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space(s) provided for the Managed STR shall not be situated in tandem with the spaces required for other uses; and
 3. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
 4. The applicant for the STR use shall not be someone who has had an STR permit revoked within the previous twenty-four (24) months.
- b. Operational Requirements. In all cases, Managed STR uses shall adhere to the following operational requirements while being operated as a Managed STR:
 1. The Managed STR shall be managed by the record owner of the subject property who shall also be a Resident of the subject property, or a person who holds a valid Property Management License from the State of South Carolina who shall be designated by the record owner to operate the STR on the owner's behalf when the owner is not residing overnight at the subject property; and
 2. Such property shall not operate as a Managed STR for more than 72 nights in the year the permit for the Managed STR is valid; and

3. Guests are restricted to occupying only the rooms that are designated within a dwelling on the approved permit for the Managed STR; and
4. The property shall not contain signs advertising the STR use; and
5. No meals may be served to the paying guests by the manager; and
6. Such manager shall not be required to reside overnight at the subject property while managing the Managed STR; and
7. Such manager shall, at all times while managing a Managed STR, be available to respond to local or State public safety officers or other City officials within one hour of receiving notice from a public safety officer or City official, appear at the Managed STR to answer any complaint; and
8. The Resident owner of the subject property must keep in full force and effect during all times the STR is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence; and
9. Such manager shall keep a current guest register that includes all dates a property was operated as a Managed STR and the names, addresses, telephone numbers and dates of occupancy of all guests; and
10. The Resident owner of the property shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina; and
11. The owner or manager shall provide a rental packet containing applicable city rules and restrictions specified in the Managed STR Permit application materials, as well as pertinent unit safety information and contact information to guests when they book the STR and shall prominently display the STR Permit, rules, safety and contact information within the STR and such manager shall cause his or her name and telephone number to be posted on the subject property in a manner visible and legible from the street; and
12. Each Managed STR permittee is entitled to rent, list with a booking or listing service, advertise, make available for STR use, or otherwise market only one (1) STR unit; and
13. The Resident owner and the owner's agent shall list the Managed STR Permit number on all advertisements, listings with booking services, and marketing materials, including without limitation, Airbnb, VRBO/Homeaway, FlipKey, and any other online websites and listing or booking platforms or services.
14. The STR shall not be expanded in any respect beyond the specific rooms which were designated as part of a Managed STR unit on plans relied upon by the city in approving

a Managed STR Permit or beyond the maximum number of guests listed on the Managed STR Permit, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.

c. Application procedure.

1. New Applications. Applications for new Managed STR permits shall be notarized and include the following:
 - (a) the location and name of the record owner of the property; and
 - (b) an application fee; and
 - (c) floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by Managed STR guests, and the specific room or rooms to be used by guests for sleeping; and
 - (d) a site plan of the lot drawn to scale showing the location of the proposed STR unit and the required off-street parking spaces and driveways; and
 - (e) the location and name and contact information of the manager of the Managed STR; and
 - (f) a statement which the Resident-owner and the manager must sign acknowledging that they have reviewed and understand the requirements of this Section.

Upon receiving a complete application and prior to the issuance of a new Managed STR permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed Managed STR use is to be located for fifteen (15) consecutive calendar days, advising that the Resident-owner of the property has applied for a zoning permit to establish a Managed STR use at the location and supplying a phone number to call both the Manager and the Zoning Division or its successors for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth in this Section. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements for the Managed STR use requested, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the Managed STR permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the STR permit to be stayed pending resolution of the appeal.

2. Annual Renewal.

(a) For renewal of a Managed STR permit, a property owner and Manager shall be required to recertify compliance with this Section for the STR use with the zoning administrator. An application for renewal of the Managed STR permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, the Manager's record of nights he or she managed the STR in the previous year or the property owner's copy of such record if a new Manager is to be appointed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.

(b) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted Managed STR use upon said property, the new property owner shall be required to recertify compliance with the applicable Residential STR Section and this Section and submit plans reaffirming the appointment of the Manager for the Managed STR unit with the zoning administrator. An application for recertification of the Managed STR use must include the required plans and be notarized, filed with, and approved by the zoning administrator prior to the STR use by the new property owner.

3. On an annual basis, the zoning administrator shall determine whether each Managed STR use permitted under this Section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All property owners and Managers of Managed STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the property which is used for the STR use for reasonable site inspections.

e. Violations and penalties.

1. Violations. It shall be a violation of this Section to:

(a) operate a Managed STR use without complying with the requirements of this Section and the Code of the City of Charleston; or

(b) expand a Managed STR without obtaining a new permit; or

(c) advertise a property as being available for a Managed STR use without first complying with the requirements of this Section; or

(d) represent oneself as a manager of a Managed STR without first complying with the requirements of this Section; or

- (e) operate or manage a Managed STR for more than 72 nights of rental during the year in which the Managed STR permit is valid; or
 - (f) fail to post the name and telephone number of the manager in a manner visible and legible from the street while the property is being managed.
2. Penalties. A violation of this Section is a misdemeanor punishable by a fine and/or incarceration. Owner and manager are both individually liable for a violation by the other. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Section continues is considered a separate offense. Any violation of this Section entitles the zoning administrator to revoke both the Managed STR permit and the STR permit.
- Should the STR or Bed and Breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Section shall be revoked.

Section 8. Sec. 54-220 of Chapter 54 of the Code of the City of Charleston (Zoning

Ordinance) is hereby amended by inserting at the end, a new subsection to read as follows:

c. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate an accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston. It shall be a violation of this Chapter to expand an approved accommodations use without obtaining a new permit, or to advertise a property as being available for an accommodations use without first complying with the requirements of this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out an accommodations unit as being available for use or occupancy unless the accommodations unit has been approved pursuant to this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise

holding out more accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. A violation of this Chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense.

Section 9. Sec. 54-224 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the words “bed and breakfast” to “Residential Short Term Rental”.

Section 10. Article 2, Part 5 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting Section 54-227 in its entirety and substituting in its place and stead the following:

Sec. 54-227. - Short Term Rental, ST Overlay Zone.

- a. **Intent.** The Short Term Rental, ST Overlay Zone is intended to identify those areas within the City limits where Commercial Short Term Rental uses and Bed and Breakfast uses, as herein defined, are allowed as a conditional use. Commercial Short Term Rentals are prohibited except on commercially zoned properties within the ST Overlay Zone. Bed and Breakfast uses are prohibited except on properties within the ST Overlay Zone. The City places a high value on the preservation of the character of its residential neighborhoods. Potential negative impacts affecting residential neighborhoods shall be avoided or minimized to the greatest extent possible.
- b. Commercial Short Term Rental Use.
 1. **Accommodations Use.** Subject to the conditions in Section 54-227, b. 2, a dwelling unit converted into a Commercial Short Term Rental may be rented to one (1) family for a period of between one (1) and twenty-nine (29) days; provided, however, only one (1) family at a time may occupy and use a dwelling unit converted into a commercial short term rental.

2. Conditions. A conforming or legal nonconforming dwelling unit may be converted into a Commercial Short Term Rental only when all of the following conditions are satisfied, as evidenced by an application, a site plan, and floor plans:
- (a) The lot is located entirely within one or more of the following base zoning districts: CT, LB, GB, UC, MU-1, MU-1/WH, MU-2, or MU-2/WH; and
 - (b) The lot is located entirely within the Short Term, ST Overlay Zone, as shown on the Zoning Map; and
 - (c) The dwelling unit being converted to a Commercial Short Term Rental is not designated as an affordable housing unit or a workforce housing unit; and
 - (d) The owner of the dwelling unit being converted into a Commercial Short Term Rental complies with all business license and revenue collections laws of the City of Charleston, Charleston County and the State of South Carolina; and
 - (e) Any commercial uses on the lot must be completely separate and independent operations, unrelated to the Commercial Short Term Rental; and
 - (f) There are no common areas or other areas serving more than one dwelling unit and/or Commercial Short Term Rental on the lot, except driveways; and
 - (g) There are no exterior signs for the Commercial Short Term Rental use of the lot; and
 - (h) Existing parking spaces on the lot, if any, that satisfy the off-street parking requirements of this Chapter for the existing dwelling units being converted to Short Term Rentals and all other uses on the lot shall be shown on the site plan submitted with the application. No additional parking spaces shall be required for the dwelling units being converted to Short Term Rentals; and
 - (i) No more than nine (9) dwelling units may be converted to short term rentals on any one (1) lot. Ten (10) or more short term rental units on one (1) lot shall require approval as an accommodations use pursuant to Section 54-220 of the Zoning Ordinance. This provision shall not be interpreted to permit an increase in

the maximum density permitted under the base zoning district for dwelling units on the lot; and

3. Except as expressly stated otherwise in this Section 54-227, a dwelling unit converted into a Commercial Short Term Rental shall continue to be subject to the regulations for such a dwelling unit in the base zoning district, including without limitation the site regulations in Article 3 of the Zoning Ordinance.
4. Impact on Nonconforming Uses. For the purposes of applying Section 54-110 concerning nonconforming uses, a Commercial Short Term Rental is considered a continuation of the nonconforming use of a legal nonconforming dwelling unit.
5. Prohibition on Construction of Commercial Short Term Rentals. Nothing in this Section 54-227 shall be construed to permit a property owner to construct a Commercial Short Term Rental. A property owner seeking a conditional use for a Commercial Short Term Rental must construct a dwelling unit in accordance with applicable standards for the dwelling unit under the base zoning district for the subject property and then apply for the conversion of the conforming dwelling unit to a Commercial Short Term Rental use.
6. Approved short term rentals within the ST Overlay Zone. All STR uses within the ST Overlay Zone that have City approval to operate on the effective date of this ordinance shall be issued a Commercial STR Permit, which shall be valid for one (1) year from the date of issuance and shall be renewable annually unless revoked. Permit holders shall adhere to the requirements of this Chapter.
7. New short term rentals within the ST Overlay Zone, permit. New STR uses within the ST Overlay Zone that receive City approval to operate shall be issued a Commercial STR Permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Permit holders shall adhere to the requirements of this Chapter.
8. Annual Renewal. For renewal of a Commercial STR Permit, a property owner shall be required to recertify compliance with this Section with the zoning administrator. An application for annual recertification of the Commercial STR Permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.

c. Bed and Breakfast Use

1. Accessory Use. Subject to the conditions in Section 54-227, c., 2, a Bed and Breakfast use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the ST Overlay Zone, and each approved bed and breakfast unit may be rented to one (1) family for a period of between one (1) and twenty-nine (29) consecutive days.
2. Conditions: A Bed and Breakfast may be approved only when all of the following conditions are satisfied, as evidenced by an application, a site plan, and floor plans:
 - (a) The number of Bed and Breakfast units shall not exceed four (4) units; except that a lot may have between four (4) and ten (10) bed and breakfast units if the total square footage of conditioned floor area in the building or buildings containing the bed and breakfast units is equal to or greater than the sum of the number of bed and breakfast units multiplied by 560, and all other requirements of this section are met. Each unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping accommodations for one (1) family for a period of between one (1) and twenty-nine (29) consecutive days; and
 - (b) The subject property is located entirely within the ST Overlay Zone; and
 - (c) The Bed and Breakfast shall be operated by the record owner of the subject property who also resides at the subject property at least 183 days each year; and
 - (d) The principal building on the property on which the Bed and Breakfast use will be located shall have been constructed 50 or more years ago although the Bed and Breakfast unit(s) may be located in a building that was not constructed 50 or more years ago; and
 - (e) Bed and Breakfast unit(s) located in buildings constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each two (2) Bed and Breakfast units, or fraction thereof. Bed and Breakfast unit(s) located in buildings not constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each Bed and Breakfast unit. Spaces required for the Bed and Breakfast

unit(s) shall be in addition to providing, on the subject property, required off street parking for existing uses on the property; and

- (f) The property shall be permitted to have one sign advertising the Bed and Breakfast. The permitted sign may have a maximum of two sides and no side shall exceed four (4) square feet in total sign face area; and
- (g) The Bed and Breakfast shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
- (h) The Bed and Breakfast shall be operated by someone who has not had a bed and breakfast permit revoked within the previous twelve (12) months.

3. Operational requirements. In all cases, Bed and Breakfast use shall meet the following operational requirements:

- (a) No meals other than breakfast may be served by the Resident owner to the paying guests.
- (b) The Resident owner shall keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guests.
- (c) The Resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina.

4. Application process.

- (a) New Applications for Bed and Breakfast uses shall be notarized and include the location of the property and Resident owner of record of the property, an application fee, floor plans drawn to scale of the habitable structures on the property, a site plan of the lot showing the location of the proposed Bed and Breakfast units, the location of any existing Bed and Breakfast units, and the location of the required off-street parking spaces and driveways, and photographs of the current principal views of the structure where the proposed Bed and Breakfast units are to be located. The floor plans shall clearly note all rooms to be used by Bed and Breakfast guests, with the room or rooms to be used by Bed and Breakfast guests for sleeping designated. The application shall

also include a statement which the Resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section.

Upon receiving a complete application and prior to the issuance of a zoning permit, the lot upon which the proposed use is to be located shall be posted for fifteen (15) consecutive days, advising that the Resident-owner of the property has applied for a zoning permit to establish a Bed and Breakfast use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the zoning permit, which shall be valid for one (1) year from the date of issuance and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

(b.) Renewal Application.

(1) For renewal of a Bed and Breakfast permit, a property owner shall be required to recertify compliance with this Section with the zoning administrator. An application for annual recertification of the Bed and Breakfast permit must include the application fee, an affirmation by the applicant that the nature of the Bed and Breakfast use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the Bed and Breakfast use. *(new annual renewal policy)*

(2) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted Bed and Breakfast use upon said property, the new property owner shall be required to recertify compliance of the Bed and Breakfast use with the zoning administrator by having an application for recertification of the Bed and Breakfast use notarized, filed with, and approved by the zoning administrator.

5. The Bed and Breakfast use shall not be expanded in any respect throughout the structure or structures, or elsewhere on the property nor shall the use be changed to

any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.

6. All operators of Bed and Breakfast uses permitted under this section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for the Bed and Breakfast use for reasonable site inspections.
 7. Existing Approved and Bed and Breakfast uses. All approved, legal Bed and Breakfast uses that are operating on the effective date of this ordinance or that are entitled to be in operation on the effective date of this ordinance shall be issued a Bed and Breakfast Permit which shall be valid for one (1) year of issuance and shall be renewable annually unless revoked and shall adhere to the requirements of this Chapter.
- d. Violations and penalties.
1. Violations. It shall be a violation of this Chapter to:
 - (a) operate an STR use, a Bed and Breakfast use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston; or
 - (b) expand an STR use or Bed and Breakfast use without obtaining a new permit; or
 - (c) advertise a property as being available for an STR use, Bed and Breakfast use or other accommodations use without first complying with the requirements of this Chapter; or
 - (d) represent or submit for advertising or marketing, or to otherwise hold out an STR unit, Bed and Breakfast unit or other accommodations unit as being available for use or occupancy unless the STR or Bed and Breakfast has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to represent, advertise, market or otherwise hold out the property as available for STR or Bed and Breakfast use or occupancy; or
 - (e) represent or submit for advertising or marketing, or otherwise to hold out the availability of an STR or Bed and Breakfast for use or occupancy by more than the number of occupants that are permitted pursuant to this Chapter; or
 - (f) represent or submit for advertising, or marketing, or to otherwise hold out more STR or Bed and Breakfast units or other accommodations type units on a property than are permitted pursuant to this Chapter.

2. Penalties. A violation of this Chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Chapter continues is considered a separate offense. Any violation of this Chapter entitles the zoning administrator to revoke the STR or Bed and Breakfast permit.

Should the STR or Bed and Breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Chapter shall be revoked.

Section 11. Table 3.3: Off-Street Parking Requirements, of Sec. 54-317 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the wording “and short term rentals” at the end of the parking requirement for “Accommodations uses” so that this reads “Accommodations uses, except for bed and breakfasts and short term rentals”. Table 3.3 is further amended by deleting, in its entirety, the listing “Bed and breakfasts” under the use column, and the requirement of “1 per bed and breakfast unit” under the column for number of spaces required.

Section 12. Severability. It is hereby declared to be the intent of City Council that the sections, paragraphs, sentences, clauses and phrases of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 are severable, and if any section, paragraph, sentence, clause or phrase of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 be declared unconstitutional or invalid by a valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 since the same would have been enacted without the incorporation in this Section of the unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 13. This ordinance shall become effective 90 days after ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord, 2018,
and in the ____th Year of the Independence of
the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Clerk of Council